

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1458 of 2015
IN
Civil Writ Jurisdiction Case No. 372 of 2015**

- =====
1. Govind Kumar Satyarthi Son of Sri Bhagwat Prasad Yadav, resident of Mohalla-Shyampur , Post - Wasudeopur, District - Munger.
 2. Rajniti Prasad @ Rajniti Prasad, Son of Late Kailash Prasad Singh, resident of Village - Tilkapur , District- Bhagalpur.
 3. Mukesh Kumar, son of Sri Ram Bilas Yadav, resident of Village - Pokhariya, Post - Danouli , Phulwariya, District - Begusarai.
 4. Bablu Kumar, son of Sri Ram Kelawan Mandal, resident of Mohalla- Betban Bazar , near Pankal Quarter, District - Munger.
 5. Mituhalesh Kumar, Son of Sri Jay Prakash Yadav, resident of Village - Navtoliya , Post - Vindbara, District - Munger.
 6. Lalan Kumar Yadav, Son of Ram Raksha Prasad Yadav, resident of Village - Navtoliya , Post - Vindbara, District - Munger.
 7. Satish Kumar Singh, Son of Late Ratneshwar Prasad Singh, resident of Village - Budhama , Post - Khara, District - Madhepura.
 8. Shanichar Bind, son of Sri Bhola Bind, resident of Mohalla- Jamalpur , District - Munger.
 9. Bablu Kumar, son of Medani Prasad, resident of village - Bichchi Chanchar , District - Munger.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Urban Development Department, Government of Bihar, New Secretariat, Patna.
2. The Special Secretary to the Government Department of General Administration Government of Bihar Main Secretariat, Patna
3. The Deputy Secretary to the Government, Urban Development Department, Patna.
4. The Joint Secretary, Urban Development Department, Government of Bihar, New Secretariat, Patna
5. The District Magistrate, Munger.
6. The Nagar Nigam Munger through its Executive Officer, Munger.
7. The Executive Officer, Nagar Nigam, Munger.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Mishra
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 11-04-2017



Heard counsel for the appellants. Perused the impugned order dated 5.2.2015.

If the findings emerge that appointments have been made in complete violation of Articles 14 and 16 of the Constitution of India by the Special Officer of the Municipality, who had no authority to do so without prior permission and without following any procedure whatsoever, the learned Single Judge has committed no error in dismissing the writ application but allowing a window of opportunity to the appellants that as and when an advertisement is issued to fill up the post then the present appellants will also participate and the authorities may consider granting relaxation in age.

With the over bearing materials with regard to manner in which such appointments have been made, this Court is not willing to give a seal of approval of judicial kind to an out-and-out illegal action and decision of the Special Officer of the Municipality in question.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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