

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2593 of 2016

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Abu Lais Iqbal, Son of Late Ainul Hoda, r/o New Azimabad Colony, Near R.K.,
Nhar Road Shahganj, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Ministry of Urban Development, Government of Bihar, Patna.
2. Municipal Commissioner, Patna Munical Corporation, Maurya Lok, Budh Marg, Patna.
3. Additional Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Budh Marg, Patna.
4. The Mayor - cum - Chairman of Compassionate Committee, Patna Municipal Corporation, Maura Lok, Budh Marg, Patna.
5. The Deputy Mayor, Patna Municipal Corporation, Maurya Lok, Budh Marg, Patna.
6. The Member, Standing Compassionate Committee, Patna Municipal Corporation, Maurya Lok, Budh Marg, Patna.
7. The Executive Officer, Patna Water Board, Patna.
8. The Additional Municipal Commissioner - cum Chief Accounts Officer, Patna Municipal Corporation, Patna.
9. Secretary, Patna Municipal Corporation, Patna.
10. Section Officer, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the Respondent/s : Mr. Rakessh Ambastha, AC to AAG-7

For the Respondent-PMC: Mr Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-01-2018

Heard Mr. Md. Helal Ahmad, learned counsel appearing for the petitioner, Mr. Rakesh Ambastha, learned Assisting Counsel to Additional Advocate General No.7 for the State and Mr. Ranjeet Kumar Pandey, learned counsel appearing for the Patna Municipal Corporation.

The petitioner herein is dissatisfied by his compassionate



appointment on Class IV post. The records transpire that having secured such appointment in the year 2007, the petitioner is now aggrieved because some of the candidates for such appointment have been given Class III post.

It is not disputed that no objection nor any claim was raised by this petitioner when he secured appointment in 2007 rather he has chosen to raise such objection after 9 years of his appointment and the reason is because, pursuant to an order of this Court some compassionate appointments were examined and some of the candidates in a separate selection process, not the one in which the petitioner was appointed, were accorded the benefit of Class III post.

Mr. Pandey, learned counsel appearing for the Patna Municipal Corporation has produced a copy of the order passed by this Court in **CWJC No.632 of 2016 (Abhishek Kumar & Ors vs. Patna Municipal Corporation & Ors.)** to submit that this very issue came up for consideration in the said case and this Court taking note of similar issue raised by the petitioner of the said writ petition did not grant indulgence to the prayer made. He submits that the selection process in which the present petitioner had been appointed was the selection process in consideration before this Court in the case of **Abhishek Kumar** (supra).

Having heard learned counsel for the parties and for the



reasons of delayed action initiated by the petitioner apart from the fact that the issues stand concluded in the judgment and order passed in the case of **Abhishek Kumar** (supra), I am not persuaded to grant indulgence to the prayer made in the writ petition.

The petitioner would be at liberty to participate in the selection process as and when initiated by the Corporation for promotion to the Class III post.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09-01-2018
Transmission Date	NA

