

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.350 of 2009

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1. Awadh Kishore Singh, son of Sri Manan Singh, Resident of Village Harbarn Rai Ke Tola (Bargaon), P.O. & P.S. Mairva, Dist. Siwan.
 2. Gauri Shanker Raut, son of late Ganga Bibhun Rault, Resident of Village & P.O. English, P.S. Mairva, Dist. Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Urban Development Department, Government of Bihar, Patna.
3. The Under Secretary, Urban Development Department, Government of Bihar, Patna.
4. The Nagar Panchayat, Mairva through its Executive Officer, Dist. Siwan.
5. The Executive Officer, Nagar Panchayat, Mairva, Dist. Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shubh Narain Singh, Adv.

For the Respondent No.4 & 5 : Mr. Prabhakar Singh, Adv.

For the Respondent No. 1&2 : Ms. Abhyanjali, AC to GA-12

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 19-02-2018

Heard learned counsel for the petitioner and counsel for the State.

In the present case, learned counsel for the petitioner has submitted that he will press the present writ application only on behalf of petitioner no.1 and, as such, the present order is confined to the petitioner no.1 only.

In this case, the petitioner has claimed that he has been working for last 34 years on the post of Tax Collector, earlier as a daily wager and now he is getting remuneration in the shape of commission. If a person collects the higher amount, he receives the higher amount as per rate of commission.



The Nagar Panchayat has taken a plea that the petitioner has been working as a Tax Collector on an unsanctioned post and, inasmuch as, there is no vacant post where the petitioner can be regularized in service. Admittedly the petitioner has been working for along time, this issue of Tax Collector came for consideration in C.W.J.C. No. 3245 of 2001 (Chhotelal Yadav & Ors. Vs. State of Bihar & Ors.) wherein this court has recorded that sufficient vacancies were available in the Nagar Panchayat, Gopalganj and, accordingly, the Court directed for consideration of their cases for regularization.

In that view of the matter, this Court directs that if the vacant post of Tax Collector or any 4th Grade post is available, the case of the petitioner will be considered for his regularization in service looking to the fact that he has been working in Nagar Panchayat, Mairva, Siwan for a very long period.

Let the Executive Officer consider the case of the petitioner and take a decision within a period of four months from the date of receipt/production of a copy of this order.

With the aforementioned observation, this writ application is disposed of.

rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2018
Transmission Date	NA

