

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.2784 of 2016**

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1. Sulekha Kumari D/o Sri Chatramani Das, resident of village- Sargha, P.S.- Sabour, District- Bhagalpur  
2. Rekha Devi W/o Sikandar Prasad Singh, resident of village- Kumrath Thai, P.S.- Kaireli, District- Bhagalpur  
3. Raj Govind Kumar Mandal, son of Late Laxmi Mandal, resident of village- Hemra, P.S. Goradih, District- Bhagalpur

.... .... Petitioners

Versus

1. The State of Bihar  
2. The Principal Secretary, Nagar Vikas and Awas Department, Govt. of Bihar, Patna  
3. The Under Secretary, Nagar Vikas and Awas Department, Govt. of Bihar, Patna  
4. The Joint Secretary, Nagar Vikas and Awas Department, Govt. of Bihar, Patna  
5. The Municipal Commissioner, Bhagalpur Municipal Commissioner, Bhagalpur

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar Sinha, Adv.  
For the Respondent/s : Mr. Mithilesh Kumar Upadhyay, AC to GP3  
For the Corporation : Mr. Manish Kumar, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 29-01-2018**

Heard Mr. Deepak Kumar Sinha, learned counsel appearing for the petitioners, Mr. Mithilesh Kumar Upadhyay, learned AC to GP-3 for the State and Mr. Manish Kumar, learned counsel for Bhagalpur Municipal Corporation.

The petitioners seek a direction in the nature of mandamus for commanding the authorities of the Corporation to appoint them on different posts following recommendation made by Urban Development Department, copies of which are present at Annexures 1 and 2 to the writ petition.



While it is the contention of Mr. Sinha, learned counsel appearing for the petitioners, that it is following invitation made on the notice board that they had filed their respective application for appointment on different posts in the Corporation and not being invited that they approached the department who recommended their case for consideration by the Corporation, the arguments are contested by Mr. Manish Kumar, learned counsel appearing for the Corporation, to submit that there is a ban of appointment in the Corporation and the applications were filed by the petitioners even without any invitation. Neither there is a copy of advertisement on record nor the application so filed by the petitioners forms part of the pleadings. The grievance raised lacks foundation and in view of the stand taken by the Corporation no indulgence can be granted.

The writ petition is thus disposed of leaving it open for the petitioners to apply as and when invitation is made by the Corporation provided they fulfil the eligibility criteria.

**(Jyoti Saran, J)**

Surendra/-

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