

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.967 of 2016

1. Manoj Kumar, son of Late Babunand Ram, resident of village Kewarha, Post Office Barani, Police Station Dhanarua, District Patna.
2. Satya Prakash, son of Late Ramkaran Singh, resident of Village and Post Office Kolora, Police Station- Muhammadabad Gohana, District- Mau (Uttar Pradesh).
3. Dilip Kumar, Son of Late Saryug Singh, resident of village Dawamchak, Post Office Kaila, Police Station Asthawan, District Nalanda, Bihar.
4. Shivdas Rai, son of Murali Rai, resident of village Khirauli, Post Office Khirauli, Police Station- Dumraon, District Bhojpur at Ara (Bihar).
5. Ram Nath Rai, son of Shri Jawahar Prasad, resident of Mohalla Daud Bigaha Post Office Bahadurpur Housing Colony, Police Station Agam Kuna, District Patna, Bihar.
6. Mohammad Irfan Ahmad, son of Abdul Ahmad, resident of Mohalla Mahendrua Shahganj Jafar Lane, Police Station Sultanganj, District Patna, Bihar.
7. Binod Kumar Yadav, son of Jogeshwar Yadav, resident of Village Anandpura, Post Office Bensara, Police Station District Education Officer District Aurangabad, Bihar.
8. Abdul Halim, son of Late Abdul Karim Baks, resident of village and Post Office Sadisopur, Police Station Bihata, District Patna.
9. Rajeev Kumar Singh, son of Shyam Sundar Singh, resident of Mohalla Rampur Sump House, Rampur Road, Post Office Mahendru, Police Station Bahadurpur, District- Patna.
10. Bablu Ram, son of Late Gopi Ram, resident of Village and Post Office Indor, Police Station Itarhi, District Buxar.
11. Bishwakarma Devi, wife of Surendra Ram, resident of Mohalla Adalatgaj, Amarnath Road, Post Office G.P.O., Police Station Kotwali, District Patna.
12. Sunil Kumar, son of Varma Thakur, resident of Mohalla New Yarpur Janta Road, Police Station Gardanibagh, Post Office G.P.O., District Patna.
13. Suresh Prasad Ram, son of Late Budhlal Ram, resident of Mohalla Saidpur Nand Nagar Colony, Post Office Rajendra Nagar, Police Station Bahadurpur Housing Colony, District Patna.
14. Ashok Kumar, son of late Lalo Ram, resident of Mohalla 4/28 , P.I.T. Colony, Kankarbagh, Police Station Kankarbagh, Post Office Chitragupt Nagar, District Patna.
15. Suresh Prasad, son of Late Jako Ram, resident of Village and Post Office Kadirganj, Police Station Nawada, District Nawada.
16. Anil Prasad, son of Shri Ram Babu, resident of Mohalla Saddur Khan Khajkalan, Post Office Jhauganj, Police Station Khajekalan, District Patna.
17. Jitendra Prasad, son of Shri Parmeshwar Bhagat, resident of village Kajapa, Post Office Jakhim, Police Station Rafiganj, District Aurangabad.
18. Dhanraj Kumar, son of Shri Rajan Ram, resident of Mohalla- Mangal Talab Harijan Colony, Chowk Patnacity, Police Station- Chowk, Post Office Jhauganj, District- Patna.
19. Arvind Kumar, son of Om Prakash Ram, resident of Mohalla- Mangal Talab Harijan Colony, Police Station- Chowk, Post Office Jhauganj, Patnacity, District Patna.
20. Arjun Kumar, son of Nand Kishore Ram, resident of Mohalla Adalatganj,



- Amarnath Road, Post Office, G.P.O. Police Station Kotwali, District Patna.
21. Madhu Mahto son of Late Raghu Mahato, resident of Mohalla - Indrapuri, P.O.- Keshari Nagar, P.S.- Patliputra, District- Patna.
 22. Ramashankar Singh, son of Late Dhruv Narain Singh, resident of Village Khaira, Post Office Sikariya, Police Station Darigaon, District Sasaram (Bihar).
 23. Shrawan Kumar, S/O Shri Ram Pratap Singh, resident of Mohalla- Bishnupuri, Ambedkar Chowk, Chitkohara, Post Office Anisabad, Police Station- Gardanibagh, District Patna.
 24. Ajay Ram, son of Late Nagina Ram, resident of Village Kharjamma, Post Office - Mahnar, Police Station- Mahnar, District Vaishali.
 25. Bachchi Devi, wife of Suraj Rajak, resident of Mohalla- Bahadurpur Housing Colony, Bhutnath Road, Police Station Agam Kuan, Janta Flat, Block No. 6, Flat No. 242, Post Office T.V. Tower, District Patna.
 26. Pappu Ram, son of late Kalkali Ram, resident of Village and Post Office Bishunpura, Police Station Garaul, District- Vaishali.
 27. Subhash Kumar Singh, alias Subhash Singh, son of Shri Rajendra Singh, resident of village and Post Office- Pratappur, Police Station- Husainganj District- Siwan.
 28. Shrawan Kumar, son of Shri Ramjeet Singh, resident of village- Gauharpur Post Office- Kodhiya, Police Station Didarganj, District Patna.
 29. Ramji Prasad Singh, son of Shri Ram Karan Prasad, resident of Village Raghunathpur, Post Office, Nadawan, Police Station Dhanarua, District Patna.
 30. Sanjay Kumar Singh, son of Late Surendra Prasad Singh, resident of Village Manaini, Post Office- Tungi, Police Station- Wazirganj, District Gaya.
 31. Sanjay Kumar Tiwary, son of Late Shrinarain Tiwary, resident of Village Garauna, Post Office Sirsa Biran, Police Station Lalganj, District Vaishali.

.... Petitioner/s

Versus

1. The Municipal Commissioner, Patna Municipal Corporation, Patna.
2. The Additional Municipal Commissioner (Establishment), Patna Municipal Corporation, Patna.
3. The Deputy Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Municipal Finance and Accounts Controller/Incharge Officer (Establishment), Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Adv.

For the Respondent/s : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-08-2018

Heard Mr. Lalan Kumar Singh, learned counsel appearing
for the petitioners and Mr. Ranjeet Kumar Pandey, learned counsel
appearing for the Corporation.



In the nature of the order which this Court proposes to pass, it would not require to await the counter affidavit specially where no such affidavit is filed although the writ petition is pending since 14.01.2016. It is in reference to the resolution of the Board of Corporation taken in the 7th special meeting held on 21.04.2015, an extract of which is enclosed at Annexure-4 to the writ petition with a particular reference to proposal no.83 that it is submitted by Mr. Singh, learned counsel appearing for the 31 petitioners herein that this resolution has not been honoured by the Corporation inasmuch as although these 31 petitioners are serving the Corporation since 1991 or thereafter yet no decision is taken for their absorption/regularisation. According to Mr. Singh, there are vacancies available on which these petitioners can be confirmed.

Per contra it is the submission of Mr. Pandey, learned counsel appearing for the respondents that the cases of some of the petitioners have not been recommended thus liberty be given to the Municipal Commissioner or the authority competent to do so to examine the individual claim of the petitioners in the light of the resolution so passed. In my opinion, while the grievance raised on behalf of the petitioners merits consideration, the submission of Mr. Pandey for examining the individual claim of the petitioners by the authority competent to do so is justified and acceptable.



Having heard learned counsel for the parties and taking note of the proposal no.83 passed in the meeting held on 21.04.2015 as manifest from Annexure-4, I deem it proper to direct the Municipal Commissioner, Patna Municipal Corporation, who may either by himself or by assigning the responsibility to any other authority competent to do so, consider the claim of these petitioners for regularisation/absorption in regular service and dispose of the same in accordance with law by a speaking order to be passed within a period of three months from the date of receipt/production of a copy of this judgment.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24-08-2018
Transmission Date	NA

