

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23677 of 2019

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1. Amit Kumar Rastogi Son of Mohan Lal Rastogi, Resident of Gulabbagh, P.S. Sadar District- Purnea.
 2. Niraj kumar Singh, Son of Vijay Singh Majholi Chowk, P.S. K.Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Bihar, Patna.
2. The District Magistrate Purnea, District- Purnea.
3. Purnea Municipal Corporation, Purnea through its Municipal Commissioner Corporation, District- Purnea.
4. The Mayor Purnea Municipal Corporation Purnea District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nadimul Hasan, Adv.
For the Respondent/s	:	Mr.Yogendra Prasad Sinha (AAG7)
		Mr. Rakesh Ambastha, AC to AAG-7
For Purnea Municipal Corpn.		Mr. Bijendra Kumar Sinha, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 29-11-2019 The petitioners have filed this application of public interest litigation praying the relief/reliefs as under:

“(i) To hold and declare that since the notification dated 22.02.2012 letter memo no.295 which have affected the petitioners and others who are spent their precious time in the Nagar Nigam, Purnea as daily wages worker since long time and they terminated from their job since 2012 the petitioners and most of them are job less, and the authorities concerned applied pick and choose method and engaged some of the daily wages



worker by way of N.G.O. and also fixed their salary Rs.5000/- per month and not regularized the petitioners and other daily wages workers as their earlier trend and also not followed the different circulars of State of Bihar for the purpose of regularization of daily wages workers.

(ii) To hold and declare that as the concerned respondents in what manner appoint the seven persons only on 25.02.2012 and given duty in the Nagar Nigam, Purnea through NGO whether there are huge vacancy in the Nigam office but ignore it the concerned Respondents follow the provisions of Law for regularization of the daily wages workers at the said Nigam and stop the system of appointment. And appoint workers via outsourcing by a NGO which is illegal or bad in law. More so since it is inhuman to make someone shelter less by way of such arbitrary notification it is further makes it fit to be quashed with immediate effect.

iii.To hold and declare that no notification could be made to be effective from retrospective effect hence stopping regularization of the daily wages workers by way of such notification and the authorities applied pick and choose method and appoint interested persons in the Nigam office and also stop the regularization of the illegible persons who have qualified and experienced persons and not consider their grievances in presently developed system of appointment in the Nigam office.

iv. To hold and declared that the Nigam office before the notification till 2012 are manage their work load from the daily wages workers and gave them salaries according the Govt. Rule and also the office authorities regularized workers time to time since 1990 and before, but when the other daily wages workers



demanding for their regularization on same trained the authorities change their track and stop the system and above 50 genuine workers are become harass.”

Having heard learned counsel for the petitioner, we are of the considered view that the present petition only merits rejection. The statements made in the petition are absolutely vague and unsubstantiated. In effect, what the petitioner wants, who has filed the instant P.I.L., is higher emoluments than what stands specified in the order dated 22.2.2012 (Annexure-1). It is personal interest litigation and not public interest.

Also for redressal of personal grievance there is a mechanism and machinery in place and the petitioner can seek enforcement of his right thereunder.

We have not expressed any opinion on merits.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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