

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 899 of 2018

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Kashmira Devi Wife of Sri Dilip Lal Resident of Village- Harkhauli Near
Brahmasthan, Ward No. 1, P.O. P.S. - Mirganj, Near- Mahavir Mandir,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Urban Development
Department, Government of Bihar, Patna
2. The Dy. Secretary, Urban Development Dept. Govt. of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Nagar Panchayat Mirganj through its Executive Officer.
5. The Chief Councilor, Nagar Panchayat Mirganj, District- Gopalganj.
6. The Executive Officer, Nagar Panchayat Mirganj, District- Gopalganj.

... .. Respondent/s

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For the Petitioner/s	:	Mr Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mr Kinkar Kumar, SC IX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-10-2022 Heard learned counsel for the petitioner and the
respondents.

The petitioner claims to be working as Peon in the
Respondent-Nagar Panchayat, Mirganj in the district of
Gopalganj since September, 2002. She has approached this
Court seeking a direction for regularization of her services.

Counter affidavits have been filed by the State as well
as the Respondent-Nagar Panchayat, Mirganj, District –
Gopalganj. While it is stated that the petitioner's claimed
appointment in the year 2002 was illegal being made by the
Chairman of the Nagar Panchayat, it is also admitted that the
petitioner was legitimately engaged on contractual basis vide
Memo No 174 dated 31.10.2009 where after she has been



working and remuneration is being paid to her. The Respondent-Nagar Panchayat, in paragraph 12 of the counter affidavit, has stated as follows:

“12 That with regard to the statements made in Para 19 of the writ petition it is stated that Government of Bihar, vide letter No 3939 dated 20.11.1999 has put a ban on all regular appointments in Urban Local Bodies and thereafter no regular appointment is made in the office of Nagar Panchayat, Mirganj. Since there is ban on regular appointment in Urban Local Bodies, therefore, after Board decision and audit objection, the Executive Officer requested the Urban Development Department to give permission to make regular appointment of the petitioner but no instruction/order is received as yet by the Nagar Panchayat.”

In view of the stand of Respondent No 6, contained in paragraph 12, extracted above, and the fact that petitioner has not assailed the letter dated 20.11.1999 referred therein, this Court would observe that no case is made out by the petitioner for issuance of a direction for regularization as long as the ban is operational.

Writ petition is, therefore, disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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