

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1003 of 2019

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Sudhir Kumar S/o Late Girish Singh Resident of Sakarwar Tola,P.S. Mokama
and Dist.-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through Commissioner cum Secretary Urban Development and Housing Department, Govt. of Bihar
2. The Chairman, Mokama Nagar Parishad, Mokama
3. The Executive Officer, Mokama Nagar Parishad, Mokama
4. Sanjiv Kumar S/o Late Girish Nandan Singh Resident of Village-Mokama, Moldiar Tola, P.S. Mokama and Dist.-Patna-803302

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Subroteswar De, Advocate
For the State	:	Mr. Kinkar Kumar, SC-9
For the Nagar Parishad	:	Mr. Arvind Nath Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-07-2023 1. Heard learned counsel for the petitioner and learned counsel for the State, as well as learned counsel for the Nagar Parishad, Mokama.

2. It is the petitioner's case that the standing committee of the local body took a decision (Annexure-3) on 06.10.2016 whereby he was to be promoted and posted as Head Assistant. It is not in dispute that the petitioner was substantially appointed as a Ward Jamadar (Class-IV post).

3. The court has made a specific query from learned counsel for the petitioner, for which last two adjournments were granted, to show whether there is any line of promotion from the



post of Ward Jamadar to Surveyor and Assistant.

4. When the matter is taken up today, learned counsel for the petitioner places reliance on the old Act, namely Bihar & Orissa Municipal Act, 1922. He places reliance on Section 37B(e) thereof, to submit that the executive officer was under a legal obligation to honour and carry forward the decision of the standing committee, which is relied upon by the petitioner.

5. Reliance on the said provision of the Act of 1922 is unsustainable since the Bihar Municipal Act, 2007 had come into force long before the alleged decision of the Standing Committee, which is being relied upon by the petitioner. Even otherwise, the petitioner has failed to show that the post of Surveyor or Assistant was a promotional post available to the petitioner (Ward Jamadar), based on which he may assert any right to promotion as Surveyor or Assistant (Class-III post), having regard to his substantial appointment in a Class-IV post.

6. Since the petitioner has not been able to show any right for the promotion as claimed in these proceedings, there is no occasion for this court to issue any directions.

7. Writ application is devoid of merit and dismissed.

(Madhuresh Prasad, J)

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