

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1619 of 2023

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Kaminee Kumari, D/o Baliram Goswami, Resident of Mohalla - 72,
Soneversha Lane near Goleshwar Mandir, Gola Ghat, Garchaiya, Jagdishpur,
P.S.- Tatarpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bhagalpur.
2. The Municipal Commissioner, Bhagalpur Municipal Corporation.
3. The Mission Director, Bihar Administrative Mission Society, General Administrative Department, Bihar, Patna.
4. The Principal Secretary, Urban Development and Housing Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Awadhesh Kumar Mishra, Advocate Mr. Manish Kumar, Advocate Mr. Ujjwal Kumar, Advocate
For the State	:	Mr. Ghanshyam Sharma, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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| 2 | 22-06-2023 | 1. | Heard learned counsel for the petitioner and learned counsel for the State. |
| | | 2. | The petitioner was originally an employee of the District Establishment Branch, under the District Magistrate, Bhagalpur. From there, her services were engaged by the Bhagalpur Municipal Corporation on honorarium basis for looking after the maintenance work of MIS under the Swaksh Bharat Mission (Urban) Scheme. Her services have now been returned to the Establishment Branch under the District Magistrate, Bhagalpur, and the petitioner is aggrieved by the |



same.

3. The parties are in agreement that the same issued fell for consideration in *C.W.J.C. No. 668 of 2023*, filed by another person similarly situated as the petitioner.

4. In the said case, dealing with the same set of facts and circumstances and grievance, this Court has dismissed the writ petition. Relevant extract of the order passed in *C.W.J.C. No. 668 of 2023*, reads as follows:-

“Having heard learned counsel for the petitioner, the State and the Bhagalpur Municipal Corporation what is evident from the records is that the engagement of the petitioner as Executive Assistant was for Bhagalpur Municipal Corporation on honourarium basis for looking after the maintenance work of MIS under Swaksh Bharat Mission (Urban) Scheme. The petitioner was well aware that her engagement is purely temporary and only for the period the scheme is in vogue. The fact that the Bhagalpur Municipal Corporation has come with a stand that the work of the scheme has already come to an end in the year 2019 would lead to a conclusion that upon completion of the work under the scheme the petitioner cannot compel the Corporation to continue her or to keep on engaging her in the scheme. Further this Court sitting under Article 226 of the Constitution of India would not go into examining the stand of the Corporation as to whether or not the work of the scheme has come to an end. This is for the competent authority in the department/corporation to look into.



So far as the stand of the petitioner that the payments were being made to the petitioner even after the year 2019 is concerned, under what circumstances and for what purpose those payments were being made to the petitioner may be best examined by the department and the Bhagalpur Municipal Corporation. That, alone would not confer any benefit upon the petitioner so as to find any fault with the impugned order and get a mandamus from this Court to direct the respondent no.2 to continue with the engagement of the petitioner.

In result, this writ application fails. It is dismissed.”

5. The instant writ application, therefore, must also meet the same fate.

6. The writ application is accordingly dismissed.

(Madhuresh Prasad, J)

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