

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3000 of 2020

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Basant Marik S/o Jinsi Marik, Resident of Ambedkar Coloney Ward No. 9,
P.S. Forbesganj, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, the Department of Rural Development, the Government of Bihar, Patna.
2. The Chairman, Nagar Parishad, Forbesganj, District Araria.
3. The District Magistrate, Araria.
4. The Executive Officer, Nagar Parishad, Forbesganj, District Araria.
5. The Nagar Parishad, Forbesganj through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Prasad Singh, Adv. Mr. Pankaj Kumar Jha, Adv.
For the State	:	Mr. Anjani Kumar (AAG-4)
For the Nagar Parishad	:	Mr. Rakesh Kumar Samrendra, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-07-2024 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Nagar Parishad, Forbesganj.

2. The present writ petition has been filed for directing the respondent authorities to regularize the service of the petitioner in Nagar Parishad, Forbesganj, District-Araria on which he is working.

3. Learned counsel for the petitioner submits that the petitioner is working as daily wage employee under the respondent Nagar Parishad and was appointed on contract basis along with several others. Counsel further submits that group of



nine daily wage employees of Nagar Parishad, Purnea filed Civil Writ Jurisdiction Case No.10206 of 2011 and the same was disposed off *vide* order dated 30.07.2012 and in the light of the aforesaid order, service of all petitioners were regularized *vide* Memo No.1929 dated 16.05.2013. Counsel submits that Nagar Parishad, Karmachari Sangh, Forbesganj also requested to regularize the daily wage employees and Deputy Secretary Department of Rural Development directed to regularize altogether six persons under Nagar Panchayat, Jogbani *vide* letter No.2418 dated 12.05.2015. Counsel further submits that the Appointment Committee took a decision for regularization of daily wages and contract employees in its meeting dated 31.05.2016 and the list of contract and daily wage employees for regularization was prepared using its power under section 38(b) of the Bihar Municipal Act, 2007. In this regard, a letter was sent by the Executive Officer to the Department of Rural Development, Government of Bihar, but no decision was taken and thereafter, the petitioner has filed the present writ petition.

4. Learned counsel for the State submits that the stand of the State is very much clear that the petitioner is *Safaikarmi* working as daily wager in the Forbesganj Nagar Parishad and therefore, the competent authority for making appointment of



Group-C and D employee is the concerned municipality itself. Counsel further submits that section 38(b) of the Bihar Municipal Act, 2007 clearly states that “*appointment has to be made only against sanctioned post following the reservation roster in the light of law of the land.*”

5. Upon going through the documents, a clear cut stand has come from the Government that according to section 38(b) of the Bihar Municipal Act, 2007, the competent authority for appointment is the municipality itself.

6. In the light of the submissions made above, the present writ petition is hereby disposed off directing the respondent Municipal Corporation/Nagar Parishad, Forbesganj to take a decision on petitioner's representation in accordance with law following the principles laid down in section 38(b) of the Bihar Municipal Act, 2007 within 90 days from the date of production of the order.

(Dr. Anshuman, J)

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