

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9609 of 2018

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1. Md. Mushlim Ansari and Ors Son of Late Ish Md. Ansari Resident of Village- Tiwari Matihaniya, P.O. - Shipaya Farm, P.S. - Bishambharpur, District - Gopalganj.
2. Rajeev Kumar Gupta Son of Late Saryug Prasad Resident of Mohalla- Pankaj Market Saraiyaganj, P.S. - Town, District - Muzaffarpur.
3. Md. Shamshad Alam Ansari Son of Md. Syed Hussain Ansari Resident of Mohalla - Larauara, P.O. - Shuhird Nagar, P.S. - Muffasil, District - Begusarai.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Urban Development Department, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Administrator Cum Chief Executive Officer Muzaffarpur Municipal Corporation Muzaffarpur.
5. The Principal Secretary, General Administration Department, Government of Bihar, Patna.

... ... Respondent/

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Bihar Municipal Act, 2007--Section 38—petitioner not filed any representation before the Authority and moved before the Court directly to sought consideration the period rendered by him as a daily wages employee for all purposes as the approval means confirmation by the authority for appointment of petitioners with effect from the date of initial appointment so that his entire service period may be counted in determining the seniority and determination of entitlement of benefits on account of continuous service rendered by him—writ petition disposed off with direction.

(Paras 2 and 4)

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... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shakir Ahmad, Adv.
For the Respondent/s : Mr. M. Anjum, AC to GP 1

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 27-02-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the State and Learned Counsel for the Municipal Corporation, Muzaffarpur.

2. The present writ petition has been filed for directing the respondent authorities for taking into consideration the period rendered by the petitioners as daily wages employee for all purposes as the approval means confirmation by the



authority for appointment of petitioners w.e.f. the date of initial appointment so that their entire service period may be counted in determining the seniority and determination of entitlement of benefits on account of continuous service rendered by him.

3. Learned Counsel for the petitioner submits that the daily wagers, whose services were absorbed / regularized as permanent employee vide Memo No. 2550 dated 12.12.2015, have since been working as Class 3 employees in the Municipal Corporation, Muzaffarpur. Counsel further relies on the decision passed by this Hon'ble Court vide order dated 22.02.2024 passed in CWJC No. 689 of 2024.

4. Learned Counsel for the Municipal Corporation, Muzaffarpur, submits that the appointing authority under the Bihar Municipal Act, 2007 is mentioned in Section 38 of the said Act. Counsel further submits that the petitioners' case should be considered by the appointing authority as per Section 38 of the Bihar Municipal Act, 2007, as the petitioners have not filed any representation before the said appointing authority and have directly come before this Hon'ble Court. Counsel further submits that the case of the petitioners has been covered by the Full Bench decision of this Hon'ble Court in the case of *State of Bihar & Anr. v. Bhagwan Singh (2014) 4 PLJR 229*.



5. Accordingly, this Court, without entering into the merits and demerits of this case, disposes off this writ petition, directing the petitioners to avail themselves of the remedy before the appointing authority as laid down under Section 38 of the Bihar Municipal Act, 2007, within four weeks’ from today. Upon receiving the representation from the petitioners along with the order, the appointing authority shall pass a reasoned and speaking order, considering the decisions mentioned in the writ petition, within 90 days thereafter.

6. With this direction, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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