

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3158 of 2014

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1. Binod Kumar S/O Sri Param Hans Singh Resident Of Village Mohania, Gram Panchayat Darwan, P.S- Mohania, District- Kaimur (Bhabhua), Bihar.

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Kaimur (Bhabhua)
3. The Sub- Divisional Officer, Mohania, District- Kaimur, Bhabhua.
4. The District Welfare Officer, Kaimur, Bhabhua.
5. The Block Development Officer, Mohania, District- Kaimur.
6. The Additional District Magistrate, Kaimur, Bhabhua.
7. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
8. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna
9. The Assistant Director, Social Security Wing, Kaimur, Bhabhua.
10. Senior Deputy Collector, Incharge Officer, District Revenue Section, Kaimur.
11. Land Reforms Deputy Collector, Mohania, District- Kaimur.
12. The Sub- Divisional Police Officer, Bhabhua, District- Kaimur- Cum- Vigilance Investigation Bureau, Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Shrivastava
Mr. Sanjeet Kr. Singh
For the Respondent/s : Mr. RAJU GIRI, GP 30
Mr. Nikhil Kumar Agrawal, AC to GP 30

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 13-07-2015

The Committee after due deliberation has come to a conclusion, contained in Anneuxre-46 to the writ application. The findings obviously have created a problem for the petitioner, in the sense that after 22 years of rendering services under the Union of India and the privilege, which he got at the time of entry in service by virtue of being a scheduled tribe, is sought to be altered.

The dispute being such and evidences one to many of conflicting kinds, such declaration therefore would be required to be made after due deliberation in an appropriate civil proceeding. This Court has its limitation under Article 226 of the Constitution of India.

One submission, however, of the counsel for the petitioner does merit consideration that if the decision contained in Anneuxre-46 is enforced or implemented, then the petitioner's service under the Union of India will be at serious stake and jeopardy.

In the above circumstance, the Court is willing to grant to the petitioner an indulgence of four weeks to file appropriate suit before a civil court of competent jurisdiction and may be, also pray for appropriate injunction as an interim measure. Let nothing adverse be done within this period.

The Court does not express any other opinion on the dispute for obvious reason.

Writ application stands disposed of.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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