

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8477 of 2014

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1. Rosy Kumari, Wife of Amit Kumar Jha, Resident of Kali Bari Road, P.S.-
Mithanpura, District and Town- Muzaffarpur

.... Petitioner/s

Versus

1. The Union of India through the Director (Disabilities Division), Ministry of Social Justice and Empowerment, Room No. 631, 'A' Wing Shastri Bhawan New Delhi- 110015
2. The Cabinet Secretary cum Member Secretary Appointment Committee of Cabinet, Government of India, Cabinet Secretariat, Rashtrapati Bhawan New Delhi
3. The Joint Secretary, Appointment Committee of Cabinet, Government of India, Cabinet Secretariat, Rashtrapati Bhawan New Delhi 110004
4. The Establishment Officer cum Additional Secretary, Department of Personnel and Training, Government of India, North Block, New Delhi
5. The Secretary, Department of Disability Affairs, Ministry of Social Justice and Empowerment, Shastri Bhawan New Delhi
6. The Rehabilitation Council of India, a statutory body of Ministry of Social Justice and Empowerment, B-22, Qutub Institutional Area, New Delhi
7. Prof. (Ms.) Sudesh Mukhopadhyay, Flat No. 702, Tower 12, Valley View Estate, Gurgaon Faridabad Road, Gwal Pahari, Gurgaon- 122003

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Abhinav Srivastava

Mr. Nilanjan Chatterjee

For the Respondent/s : Mr. Sanjay Kumar, ASG

Mr Anjani Kumar Sharan, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-09-2015

Petitioner claims herself to be a citizen of India and a resident of district of Muzaffarpur. She is registered as a Special Educator with the Rehabilitation Council of India and, therefore, claims that she is deeply affected by appointment of respondent no.7 as Chairman of Rehabilitation Council of India in terms of Annexure-1. The writ application has been filed for issuance of a Writ of Quo

Warranto directing the respondent no.7 to show under what authority she is holding the post of Chairman.

The very first objection with regard to the maintainability of the writ application by this Court is that the headquarter of Rehabilitation Counsel of India is located at New Delhi and the entire process of selection etc. was completed at New Delhi, therefore, no cause of action arises within the territorial jurisdiction of the State of Bihar.

In addition to that, from the material available, it seems that the Delhi High Court was moved in a writ application registered as W.P.(C) No.732 of 2015 by one Dr Manoj Kumar against the same said selection of respondent no.7 and he failed to dislodge respondent no.7 from the position of Chairman. A copy of the said order is available on record. What happened thereafter against the said order is not made known to this Court but obviously the present petitioner seems to be a sponsored candidate and yet another effort and exercise to undo the appointment of respondent no.7 on the post. These are good enough ground for this Court to dismiss the writ application at the threshold.

However, since counter affidavit has already been filed both by respondent no.7 as well as the Union of India and having gone through the pleadings and averments the circumstances under

which respondent no.7 was virtually requested to take over as the Chairman of Rehabilitation Council of India looking at the reputation and stature in the field of education which she commanded, the Court has no hesitation in recording that if anything is amiss it is not her competence or her ability coupled with the educational requirement laid down under the statute for holding the post of Chairman. The statutory period for which such selection has been made is only for a period of two years. The term is going to expire in February 2016 and there is nothing on record to show that her performance in that responsibility has in any manner compromised the office or the institution during the period she has held so far.

Even on the merits, therefore, it is not one of those cases where the preliminary objection would be required to be diluted or ignored.

Writ application, therefore, is required to be dismissed for the reasons indicated above.

(Ajay Kumar Tripathi, J)

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