

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6415 of 2004

Bhagwat Ram, S/o Late Nand Kumar Ram, resident of village-Duvey
Batrahan, P.O. Misir Batrahan, P.S. Phulwaria, District-Gopalganj.;

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Bihar Soldier Welfare Board, Old Secretariate, Patna-15.
3. The Managing Director, Bihar State Housing Board, Patna.
4. Dy. Director, Soldier(Sainik) Rehabilitation Directorate, Home
Department, Patna.
5. The Secretary, Housing Department, Bihar, Patna.
6. The Secretary, Home Department, Bihar, Patna.
7. The Chief Secretary, Govt. of Bihar, Patna.
8. The Collector/District Magistrate, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Jyotindra Pratap Singh

For the Respondent/s : Mr. Sanjay Kumar(AC to GP5) & Mr.
Anshuman Singh(Housing Board)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date: 03-04-2015

Let the counter-affidavit filed by respondent no.2 today be kept
on record.

2. Heard learned counsel for the petitioner, State and the
Housing Board.

3. In this case the petitioner has raised a grievance that he
participated in the Indo-Pak War in the year 1971 on Kargil Front,
and he received fifty percent permanent disablement due to frostbite

injury and as such he is entitled to a quarters. The case of the petitioner was placed in the Medical Board, he was examined, and accordingly he was declared unsuitable for the armed force services and was released accordingly.

4. Learned counsel for the petitioner has submitted that in terms of the Circular of the State Government and the Union of India, the person who received fifty percent permanent injury, will be provided housing facility as well as agricultural land having 5½ acres of land.

5. A counter-affidavit has been filed on behalf of the Director, Bihar Soldier Welfare Board(respondent no.2) in which a letter dated 22-1-1990(Annexure-A) written by Colonel Krishna Murari, Director, Bihar Soldier Welfare Board has been annexed, where he has mentioned that the case of the petitioner along with others was placed for allotment of quarters through lottery, and the names of four persons came through lottery and they were, accordingly, allotted respective quarters, but the name of the petitioner and others did not find place in the said select list.

6. Learned counsel for the petitioner submits that the other servicemen having not participated in the war and did not receive injury upto the level of fifty percent have been accommodated by the Directorate and the petitioner has wrongly been debarred. From the letter dated 22nd January, 1990, it transpires that the case of the

petitioner and eight others were placed for lottery and out of nine, only four persons were selected by lottery. This Court does not know whether thereafter any lottery was conducted or not. If the others having less injury than the petitioner have been selected, certainly the petitioner has a better claim over others.

7. As this Court has not examined the case of the petitioner on merit, the petitioner is directed to file a representation in detail before the Director, Bihar Soldier Welfare Board, Old Secretariat, Patna-15, who shall be obliged to examine the case of the petitioner, and if the petitioner is found to be entitled for a quarters at Patna, it goes without saying that the Director would recommend the name of the petitioner for allotment of the quarters. On receipt of the recommendation from the Director, the Housing Board will accommodate the petitioner without unnecessary delay. This Court trust and hope that the Director, Bihar Soldier Welfare Board will examine the case without unnecessary delay and dispose of the representation of the petitioner preferably within a period of three months from the date of its filing.

8. With the aforesaid observation and direction, this writ application is disposed of.

B.Roy/-

(Shivaji Pandey, J)

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