

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7722 of 2014

- =====
1. Radhakant Kumar, Son of Sri Ram Chandra Paswan.
 2. Smt. Usha Rani, Wife of Sri Radhakant Kumar, Both residents of village Bandhuganj, Police Station Ghoshi, District- Jehanabad

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Environment and Forest department, Bihar, Patna
3. The Principal Secretary, Cabinet Secretariat, Bihar, Patna
4. The Principal Secretary, Home, Bihar, Patna
5. The Principal Secretary, Vigilance department, Bihar, Patna
6. The Principal Secretary, General Administrative Department, Bihar, Patna
7. The Director General of Police, Bihar, Patna
8. The Additional Director General (Vigilance), Cabinet Vigilance department, Bihar, Patna
9. The Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna
10. The Bihar Public Service Commission(BPSC), through its Chairman, Patna
11. The Secretary, Bihar Public Service Commission(BPSC), Patna
12. The Secretary, Ministry of Environment and Forest department, Union of India, New Delhi
13. The Secretary, Union Public Service Commission(UPSC), New Delhi
14. The Director General, Central Bureau of Investigation (C.B.I.), New Delhi
15. The Superintendent of Police, Central Bureau of Investigation (C.B.I.), Patna
16. Sudhir Kumar Thakur, Conservator, Purnea Circle, Purnea
17. Rajiv Ranjan Singh through Principal Chief Conservator of Forest, Government of Jharkhand, Ranchi
18. S.N. Pandey, Assistant Director, Hariyali Mission, North Zone, Sanjay Gandhi Jaivik Udhyan Campus, Patna
19. Abhay Kumar Dwedi, Divisional Forest Officer, Darbhanga Forest Division, Darbhanga
20. Kundan Kumar, Divisional Forest Officer, Kaimur Forest Division, at Bhabhua
21. Janardan Prasad Keshri through Principal Chief Conservator of Forest, Government of Jharkhand, Ranchi
22. Bhagwan Mishra through Principal Chief Conservator of Forest, Government of Jharkhand, Ranchi
23. Sanjay Kumar Sinha through Principal Chief Conservator of Forest, Government of Jharkhand, Ranchi

.... Respondents

=====

Appearance :

- For the Petitioners : Shri Sudhir Kumar, Adv.
Shri Dilip Kumar No. 1, Adv.
- For the Respondents : Shri Ravindra Kumar, AC to AAG-10
Shri Rajni Kant Jha, Adv.
Shri Arvind Kumar, Spl. P.P./Vigilance
Shri Bipin Kumar Sinha, SC/C.B.I.
Shri Kaushal Kishore Jha, Adv.

Shri Rama Kant Sharma, Sr. Adv.
Shri Santosh Pandey, Adv.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 07-04-2015

This writ petition is filed with a prayer *inter alia* to direct investigation through Central Bureau of Investigation (hereinafter referred to as C.B.I. for short) into the appointments made in the Department of Environment and Forest, Government of Bihar, to the post of Assistant Conservator of Forest between 1985 and 1987. Heavy reliance is placed upon a letter dated 27.9.2011, addressed by the Principal Secretary, Environment and Forest Department, 2nd respondent herein, in this behalf.

Heard learned counsel for the petitioners and learned counsel for the respondents named above.

The very frame of the writ petition is objectionable. The 1st petitioner is an employee of Water Resources Department, and the 2nd respondent is his wife. The grievance of the 1st petitioner was that in the selections that took place in the year 1985, the vacancies that were earmarked for Scheduled Caste and Scheduled Tribe candidates were filled up with the candidates belonging to unreserved category. It is stated that the representations

submitted by him in this behalf were not enquired into.

A perusal of the record discloses that the petitioners either jointly or individually, were after the Department and some selected candidates for the past more than two decades. One can easily understand the nature of devotion on part of the 1st petitioner towards his duty when he has engaged himself in such type of litigation. One does not understand as to how the second petitioner can come into this issue.

We did peruse the letter dated 23.9.2011, addressed by the 2nd respondent. Obviously, with an effort to escape from the radar of the petitioners and to protect himself, the 2nd respondent opined that the matter can be entrusted to the agency for enquiry. However, it is the same officer, who addressed the letter dated 9.11.2011, that has taken the view that there is no basis in the allegations of the petitioners.

Even during the course of hearing, we have put some pointed questions as to whether there was any qualified candidate from the category of Scheduled Caste or Scheduled Tribe in 1985, and in particular, whether the 1st petitioner was qualified at that time. The answer is almost in the negative and every possible effort is made to maintain

vagueness and to gloss over the question. The petitioners appear to have taken one point programme, namely to harass the Department and the successful candidates. At every place they did not hesitate to press their social status into service.

The writ petition is dismissed. We also direct that in case the 1st petitioner raises this very issue once again, the Department shall proceed in its own way, even to initiate appropriate proceedings, if necessary.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Ashwani Kumar Singh, J)

K.C.jha/-
N.A.F.R.

U			
---	--	--	--