

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7083 of 2011

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Hemant Kumar Choudhary son of late Ramashray Choudhary, resident of village Rasidpur, P.S. Bachhwara, District Begusarai.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Agriculture Department, Govt of Bihar, New Secretariat Bailey Road, Patna
2. State Farmers Commission, Bihar Pant Bhawan Bailey Road, Patna.
3. The District Magistrate, Begusarai.
4. The District Agriculture Officer Begusarai.
5. The District Animal Husbandry Officer Begusarai
6. The District Fishery Officer Begusarai.
7. The Block Animal Husbandary Officer, Bachhwara Dist. Begusarai.
8. The Block Fishery Officer Bachhwara Dist. Begusarai.
9. Shree Nawal Kishore Rai son of Shatrughan Rai, Resident of vill. Naripur (West) P.S. Bachhwara, Dist. Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bauye Jee Jha (B.J. Jha)

For the Respondents : Mr. Rajesh Singh GP16

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 31-08-2015

Heard Mr. Jha counsel for the petitioner and AC to GP-

16 for the State.

A counter affidavit has been filed on behalf of the respondent nos. 3 &4. Rejoinder thereto has been filed.

The writ application prays for the following relief(s) as culled out in para (1):-

“That this is an application for issuance of writ in the nature of a writ of Mandamus/certiorari to quash “KISHAN SHRE SAMMAN 2006-2007 onward given to respondent no.7 under Bachhwara Block of Begusarai District ignoring the purposes of starting Kishan Shree Samman meant for promoting the farmer who are cultivating farming their fields by using scientific method new Technology and growing grains in their fields.

The petitioner further prays for

issuance of writ in the nature of writ of Mandamus commanding and directing the respondents to evaluate/inquire the method of farming by the petitioner for awarding Kishan Shree Samman 2006-07 for Bachhwar Block.

The petitioner further prays for issuance of an appropriate writ/writs order/orders to which the petitioner may be found eligible in the facts and under the circumstances of the case.”

In the counter affidavit, the respondents have justified the grant of Kishan Shree Samman award for the year 2006-07 in favour of the respondent no.9 for the Bachhwara Block in the District of Begusarai. In the rejoinder the petitioner has stated that there has been several irregularities committed in the grant of award in favour of the private respondent. The State respondents should recall the Prasasti Patra (Samman) and the award amount payable to or paid to the private respondent.

The contention of the petitioner is that several irregularities have been committed by the respondents in selecting the respondent no.9 for grant of the Kishan Shree Samman for the year in question. The respondents in the counter affidavit have set out in detail the purpose and mechanism for selecting and grant of such Kishan Shree Samman. Applications were invited from the farmers of the Block in-question. Both the writ petitioner and respondent no.9 claimed the grant of award. Respondent no.9 was found more suitable having obtained more marks than the petitioner and was, therefore, selected for award of Kishan Shree Samman. The claim of

the petitioner that the Samman Prasasti Patra as well as the amount of the award should be recalled from the respondent no.9 is not fit to be allowed. An enquiry was made and report was submitted in this regard. The report of the committee has, however, been enclosed as Annexure-7 in the rejoinder wherefrom it appears the committee found some lapses on the part of the respondents in selecting the respondent no.9 for the said Kishan Shree Samman. Counsel for the petitioner has pointed out from Annexure-8 that the matter is now referred to the District Magistrate for taking a decision in this regard.

Having heard the parties. In my view, the writ application merits to be disposed of by directing the District Magistrate, Begusarai to take appropriate decision in the light of the report and the recommendations as also the relevant provisions of the guidelines for grant of such award in accordance with law as quickly as possible. The Court shall be pleased if the decision is taken in this regard within 08 weeks from the date of receipt/production of a copy of this order before him.

(Kishore Kumar Mandal, J)

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