

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21653 of 2014

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1. Abhay Ranjan Gupta Son of Shri Bijay Kumar Resident of C/o Dr. Nilam Devi, Gol Bagicha, Babra Par, P.O- Railway Station - P.S- Kotwali, District - Gaya
 2. Ranjeet Kumar Son of Shri Suresh Rawat Resident of Village + Post- Jitjhingoi, P.S- Khaira, District - Jamui
 3. Rajesh Prasad Son of Shri Ramesh Mahta Resident of Village - Gazipur, Post - Katharahi, P.S- Bind, District - Nalanda.
 4. Rajeev Kumar Son of Shri Mahavir Prasad Resident of village + Post - Naili, P.S- Chandi, District - Nalanda.
 5. Avinash Kumar Son of Shri Basudeo Prasad Sahu Resident of Village - Chakhusaini, P.O- Mansi, District - Khagaria.
 6. Puroshotam Kumar Son of Shri Srikant Prasad Resident of Village + Post - Nehalpur, P.S- Parasbigha, District - Jehanabad.
 7. Manoranjan Kumar Son of Shri Ambika Choudhary Resident of Village - Bhado Ghat, Post - Basantpur Ramni, District - Samastipur.
 8. Reena Kumari Wife of Shri Rajeev Kumar Nirala Resident of Village - Tejabigha, P.O- Dahpur, P.S- Noorsarai, District - Nalanda.
 9. Manish Kumar Kundan Son of Shri Vijay Kumar Choudhary Resident of Village +Post- Gunjarjcek, P.S- Chandi, District - Nalanda.
 10. Subodh Kyumar Son of Shri Ganipat Mandal Resident of Village +Post +P.S- Kanhauli, Via- Bhutahi, District - Sitamarhi
 11. Rajesh Kumar Ram Son of Shri Tahkko Ram Resident of Village + Madanpur, Post - Balhi Teghara, Via- Chapraon, P.S- Simri Bakhtiyarpur, District Saharsa.
 12. Rajesh Kumar Pandit Son of Shri Lalkeshwar Pandit Resident of Village - Belouni, P.O- Mafo, P.S- Korma, Distict - Sheikhpura
 13. Manish Rastogi Son of Shri Awaln Singh Resident of Village - Shaharkundi, P.O-Thatha, P.S- Mansi, District - Khagaria.
 14. Rachana Nishchal Wife of Shri Subodh Kumar Resident of Village +Post +P.S- Kanhauli, Via- Bhutahi, District- Sitamarhi.
 15. Madhu Kumar Wife of Shri Alok Kumar Resident of C/o Shri Ram Chandra Mehta, South West Circuit House, Jai Prakaash Nagar, Purnea College Chowk, District - Purnea.
 16. Brahma Baitha Son of Late Ramraj Baitha Resident of Village - Gosaichapra, P.O- Bapaur, P.S- Sahayaksiwan, District - Siwan.
 17. Ahmad Ali Raza Son of Md. Mustafa Resident of At-New Karimganj, Road No- 2 P.S- Civil Lines, Post - Karimganj, District - Gaya.
 18. Barun Kumar Bharti Son of Shri Mungalal Ram Resident of At+P.O- Raghinathpur, P.S- Jadia, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna
2. Principal secretary, Animal Husbandry and Fisheries Department (Fisheries), Bihar, Patna
3. Director, Directorate of Fisheries, Animal Husbandry and Fisheries Department (Fisheries), Bihar, Patna.
4. Bihar Staff Selection Commission, Patna through its Secretary.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava
For the Respondent/s : Mr. GP23- Anil Kumar
For the SSC: Mr. Kamla Kant Upadhyaya

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-05-2016

Heard argument of the counsel for the petitioners, appreciated the submissions and the effort put behind such submissions, but the net result of such argument is that the petitioners want a direction or mandamus upon the State to formulate rules in conformity with some other rules relating to giving weightage in matter of recruitment for people working on contract.

With due respect to learned counsel and his wonderful assistance and jugglery with words, the net result is that a mandamus cannot be issued upon the Legislature to legislate as such. These are privilege of the Legislature and the separation of powers as such also prevents this Court from telling them as to what they should do.

Counsel for the petitioners tones down his submission by saying that there cannot be any mandamus, but there should atleast be an observation for consideration, keeping in view the resolution of the General Administration Department in relation to such issues, which has been annexed as Annexure – 9 and is dated 21.05.2013.

The government knows best. Let them look into the matter at their own level and decide what has to be done in this regard, but

this Court will not compel them for creation of a rule, providing for what the petitioners except or demand. However, if such a request is made by the petitioners, it may be duly considered keeping Annexure – 9 in mind. The Court has nothing to offer over and above what has been said above.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	06.05.2016
Transmission Date	