

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21993 of 2014

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1. Yesbir Kumar Choudhary Son of Shri Krishna Kumar Choudhary Resident of House No-110, Village - Nagargama, Post - Soira, P.S- Dalsinghsarai, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar the Principal Secretary, General Administration Department, Bihar, Patna.
2. The 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. ANIL KUMAR SINHA (GA9)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-05-2016

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 – 11 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 – 11 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.
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