

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19008 of 2015

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1. Manoj Kumar son of Shiv Kumar Prasad, resident of Mohalla- Mission Compound, P.O. & P.S.- Mission House Mahadeva, District- Siwan
 2. Amit Kumar Singh son of Bir Bahadur Singh, resident of village- Annupur, P.O. Kerma, P.S. Mohamadabad Gohna, District- Mau (U.P.)
 3. Deepak Kumar son of Hari Mohan Das, resident of Surya Vihar Colony Phase-II, Ashiana Nagar, P.O. Ashiana Nagar, P.S. Rajiv Nagar, District- Patna
 4. Rajeev Kumar son of Aditya Singh, resident of village & P.O.- Arhwan, P.S. Wazirganj, District- Gaya
 5. Tej Pratap son of Onkar Prasad, resident of Mohalla- Canal Road (Mahavir Asthan), P.O. & P.S.- Sasaram, District- Rohtas
 6. Sandeep Kumar Pandey son of Late Satya Narayan Pandey, resident of village- Basahi, P.O. Basahi, P.S. Janta Bazar, District- Chapra (Saran)
 7. Praveen Kumar son of Bimal Kishore Singh, resident of village & P.O. Pachamba, P.S.- Singhoul, District- Begusarai
 8. Niranjana Kumar son of Raj Kumar Prasad, resident of Mohalla- Nayatola Sangat, P.O. & P.S.- Bakhtiyarpur, District- Patna
 9. Nilesh Kumar son of Late Ram Pravesh Sharma, resident of village- Pokhwan, P.O. Pandaul, P.S.- Shakurabad, District- Jehanabad
 10. Pawan Kumar son of Sri Surendra Choudhary, resident of Mohalla- Untta East Lane, P.O. & P.S. Jehanabad, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna
3. The Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna
4. Managing Director, Bihar State Food & Civil Supplies Corporation, Patna
5. The Principal Secretary-cum-Commissioner, Department of Finance, Government of Bihar, Patna
6. The Department of General Administration, Government of Bihar, Patna through its Principal Secretary
7. The I.T. Manager, Department of Food & Consumer Protection, Government of Bihar, Patna

.... Respondent/s

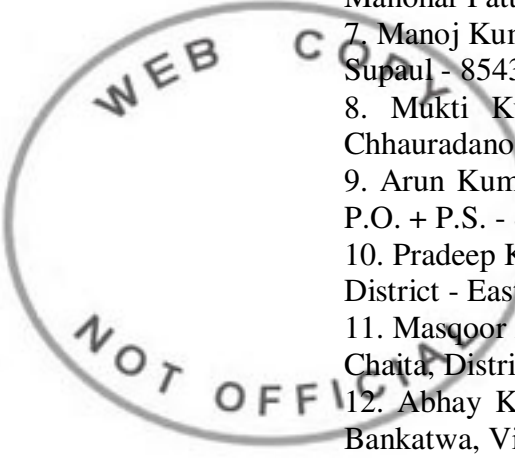
with

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Civil Writ Jurisdiction Case No. 19421 of 2015

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1. Prabhat Kumar son of Late Birju Ram Resident of North Patel Nagar, road No. 4, P.O. - Keshari Nagar, P.S. Patliputra Nagar, Patna - 24 District - Patna.
2. Rajiv Ranjan son of Late Surendra Prasad Singh resident of village Husainpur, P.O. Yogipur, P.S. Hilsa, District - Nalanda, Pin - 801302.
3. Narendra Shekhar Singh son of Shri Amarjeet Singh Block Supply Officer, Shishwan Block, Siwan, Siwan.
4. Rajiv Kumar son of Sri Ramdeo Singh At + P.O. - Mahendrapur, P.S. - Nayagaon, via - Mirjapur Bandwar, District - Begusarai - 851129.

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5. Aditya Kumar son of Anant Prasad Mehta At - Barhara, Post - Indarpur Barhara, P.S. Raniganj, Dist - Araria.
 6. Mahendra Prasad son of Ram Lochan Yadav at Panchgachhiya Kami, P.O. Manohar Patti, P.S. - Marauna, District - Supaul.
 7. Manoj Kumar Jha son of Late Jata Nath Jha ward no. 12, Shalibasa Birpur, Dist - Supaul - 854340.
 8. Mukti Kumar Laskar son of Niranjana Kumar Laskar village + P.O. - Chhauradano, Ekdari, District - East Champaran, Bihar - 845302.
 9. Arun Kumar son of Jaichand Prasad resident of village Mogalkuan (Boulipur), P.O. + P.S. - Sohsarai, Biharsharif, District - Nalanda, Bihar.
 10. Pradeep Kumar Jha son of Sri Jaideo Jha At + P.O. - Bagahi, Via - Ramgarhwa, District - East Champaran - 845433.
 11. Masqoor Alam Khan son of Maqsood Alam Khan village + Post - Choram, via - Chaita, District - East Champaran.
 12. Abhay Kumar son of Ramkrishan Prasad Yadav resident of village + P.O. - Bankatwa, Via - Ghorashahan, District - East Champaran.
 13. Rajan Kumar son of Late Nawal Kishor Chaudhary At Bhorhan, P.O. Patahi, Via - Belsand, District - Sitamarhi.
 14. Shailesh Kumar son of Sri Nagina Prasad resident of village Kewai, P.O. - Dhowdiha, P.S. - Khudarganj, District - Nalanda.
 15. Chandan Kr. P. Shastri son of B.K. Shastri At + P.O. - Bichhway, District - Lakhisarai.
 16. Md. Nesar Ahmad son of Md. Shaukat Ali At + P.O. - Nokha, District Rohtas (Bihar).
 17. Saroj Kumar son of Dashrath Prasad resident of village - Govindpur, P.S. - Jitna, P.O. - Ghorsahan, District - East Champaran.
 18. Raju Kumar Thakur son of Sri Rajeshwar Thakur resident of village - Thakur Tola, Sarai Sattar Khan, P.S. - Laheria Sarai, District - Darbhanga.
 19. Amrendra Kumar son of Ramniwas Singh resident of village - Gamhariya, P.O. - Phulwar, P.S. - Raghunathpur Bazar, District - East Champaran, Bihar.
 20. Ram Babu son of Vishnu Mahto resident of village + P.O. Dhekahan, P.S. - Keshariya, District - East Champaran, Bihar.
 21. Raj Kumar Jha son of Kailash Jha resident of village Harouli, P.O. Satighat, P.S. - Kusheshwar Asthan, District - Darbhanga, Bihar.
 22. Umakant Sharma son of Girja Sharma resident of village Bhindaspur, P.S. - Belaganj, District - Gaya, Bihar, Pin 804403.
 23. Dinesh Dhari Singh son of Late Satanand Singh resident of village - Kalyanpur, P.O. - Paipura, P.S. - Paliganj, District - Patna.
 24. Ajay Kumar Deepak son of Sri Sitaram Prasad resident of Mohalla Mansaram Ka Akhara, P.O. - Jhauganj (Patna City), P.S. - Mehendi Ganj, District - Patna, State - Bihar.
 25. Abhishek Kumar son of Late Upendra Kumar Verma resident of village Ramdatt Patti, P.O. - Nemua, P.S. - Supaul, District - Supaul, Pin - 852130.
 26. Amit Kumar son of Sri Mahendra Pd. Choudhary Near of P.O. + P.S. - Jagdishpur, District - Bhojpur.
 27. Deepak Kumar son of Sri Lakhan Mehra Ward no - 20, Stadium Road, District Madhubani - 847211.
 28. Rajaneesh Raman Singh son of Sri S.K. Singh resident of vill + P.O. - Arout, Via - Rosera, District - Samastipur, Pin - 848210.
 29. Dharendra Kumar Jha son of Ramesh Jha resident of village + P.O. - Rampura, Via - Singhwara, District - Darbhanga, Pin - 847123.
 30. Vikash Kumar Rajak son of Shri Sharwan Rajak At + P.O. Mohiuddin Nagar, District - Samastipur, Pin - 848501.

31. Lalan Kumar Choudhary son of Sri Jagdish Choudhary resident of village - Pandararia, P.O. + P.S. - Laheriasarai, District - Darbhanga (Bihar).
32. Mahendra Pratap son of Onkar Nath Mishra resident of village C/o - Arjun Prasad near Malviya Chowk, New Basti Mahadeva, Dist. - Siwan.
33. Dwarika Prasad Sharma son of Late Shyam Sundar Sharma resident of mohalla Anand Mohalla, Ward No. - 10, P.O. - Jaynagar, District - Madhubani 847226.
34. Ganesh Kumar son of Gunilal Pandit resident of village Pariharpur, P.O. Dhanchhoa, District - Saharsa, Pin - 852201.
35. Ram Kalyan Mandal son of Dharmnand Mandal resident of village - Millik Pahilagarh, P.S. - Kadwa, District - Katihar.
36. Nirbhary Kumar son of Vijay Sharma resident of village - Manjhiava, P.O. + P.S. - Paraiya, District - Gaya.
37. Sunil Kumar son of Raghunath Pd. Mohalla - Shivganj, P.O. - Dehri-on-Son, Dist. - Rohtas - 821307.
38. Santosh Kumar Sinha son of Birendra Kr. Sinha resident of Mohalla - Patel Nagar, Nawada, Near Ice Cream Factory, District - Nawada - 805110.
39. Vijay Bahadur Singh son of Late Shri Chandrama Singh resident of village Bagaha, P.O. Bagaha, District - Chandauli present posted as Block Supply Officer/S I Rohtas Town.
40. Birendra Kumar Bharti son of Kishori Prasad resident of village - Lakhanpur, P.O. - Budhgere, District - Gaya, Bihar.
41. Sandeep Kumar Baranwal son of Bhagwat Pd. Baranwal present posted as Block Supply Officer, Block - Chanan, Dist. - Banka.
42. Laloo Kumar Singh son of Ghanshyam Singh resident of village + P.O. - Amiyawar, P.S. - Naskiganj, District - Rohtas, Bihar.
43. Ehsan Karim son of Zeyauallah Ansari At P.O. - Kara (Near Rice Mill) District - Aurangabad, Bihar.
44. Saroj Kumar son of Govind Ram resident of village - Khadauli, P.O. + P.S. - Chenari, District - Rohtas.
45. Bipin Kumar son of Shri Ram Nihora Choudhary resident of village - Mirdi, P.O. - Dumharpaty, District - Sitamarhi, Bihar.
46. Ajay Kumar son of Mahabir Rajak resident of village Dhorha, P.O. + P.S. Dhamoul, Dist - Nawada, Pin - 805110.
47. Shahsi Bhushan son of Umesh Prasad resident of Mohalla - Shyam Nagar, Animal Hospital, Jahanabad, Pin 804408.
48. Amresh Kumar son of Yadunandan Pd. Singh resident of village - Madhopur, P.O. + P.S. - Kajra, District - Lakhisarai, Bihar.
49. Santosh Kumar son of Suresh Prasad Singh resident of village - Hathidah, P.O. + P.S. - Hathidah, District - Patna (Bihar).
50. Indrajeet Kumar son of Late Lalan Sah village + P.O. Kansar, P.S. - Belasand, District - Sitamarhi, Pin No. - 843316.
51. Shailesh Kumar Prasad son of Sheo Prasad Ram vill + P.O. - Kundesar, P.S. - Shampur, District - Bhojpur, State - Bihar.
52. Vijay Singh Chandel son of Bechan Singh resident of Bhuneshwar Singh, Sareya, Ward No. - 13, Dist. - Gopalganj.
53. Kamaluddin son of Rahamtullah resident of village - Saratha, P.O. - Bahalolpur, P.S. - Dhaka, Dist. - East Champaran, Pin 845418.
54. Gyanesh Kumar son of Deokant Lal Das resident of village Bhagwanpur Chakshekhu, Ward No. - 02, P.O. - Dalsingsarai, District - Samastipur, Bihar pin - 848114.
55. Mukesh Kumar son of Shri Vijay Kumar Gupta resident of village + P.O. - Shaharitelpa, P.S. - Karpi, District - Arwal.
56. Santosh Kumar son of Ramesh Thakur village + P.O. Radhaur, P.S. - Surasand,

District - Sitamarhi.

57. Deepak Kr. Gupta son of Gapal Pd. Bhagat Present posted at Barahat, Block, Banka.

58. Vibhuti Kumar son of Sri Ramratna Singh resident of village - Manjura, P.O. - Lagma, P.S. - Shangrampur, District - Munger.

59. Rajesh Kumar son of Sri Ramdev Das resident of Mohalla - Loha Ka Pul, P.O. Patna City, District - Patna.

60. Lokesh Kumar Thakur son of Mritunjay Thakur resident of village + P.O. - Surihari, Via - Amanpur, District - Banka, Bihar.

61. Ganesh Prasad Shaw son of Gouri Sankar Shaw present posted as Block Supply Inspector, Teragachh, Kishanganj.

62. Shyam Sundar son of Umesh Prasad resident of village - Manjhauli, P.O. - Bhuapur, P.S. - Belchhi, Dist - Patna, Bihar.

63. Raj Kumar Hansda son of Lal Hansda resident of village Jotaily, P.O. - Bansgopal, P.S. - Bihariganj, Dist - Madhepura, Pin - 852113.

64. Dhaneshwar Kumar son of Sahja Nand Ray resident of vill - Rannuchak, P.S. Nath Nagar, District - Bhagalpur.

65. Ashish Kumar son of Barun Kumar Singh At + P.O. - Chakmaka, via - Jankinagar, District - Purnea.

66. Kumar Deepak son of Daya Sindhu Prasad At Sisai, P.O. - Dhobini, P.S. - Lawniya, Dist - W. Champaran, Bihar, Pin 845453.

67. Bipin Ansu son of Late Dwarika Prasad resident of village - Kharkhura, P.O. - R.S. District - Gaya (Bihar) Pin - 823002.

68. Nitesh Kumar son of Sri Rameshwar Thakur At + P.O. - Nimoja, Via - Bhelwa Circle, Dist - East Champaran, Bihar.

69. Asif Iqbal son Adhul Hafij resident of village Bagaha Hagarwa, P.O. - Bagaha, P.S. - Ghorasahan, District - East Champaran (Bihar), Pin - 845315.

70. Ranjit Kr. Jha son of Shree Jagtanand Jha resident of village Narar Purwari Tola, Post - Narar, Dist. - Madhubani, Bihar, Pin - 847226.

71. Ajitendra Kishore son of Late Bijendra Kishore Jha resident of village - Banuchapra, P.O. Bettiah, Dist. - West Champaran, Bihar, Pin - 845438.

72. Ranjit Kumar Rana son of Late Jaynath Singh resident of village - Mainma, Rupouli, Dist. - Purnea, Bihar, Pin - 854204.

73. Raman B. Singh son of Bijay Bahadur Singh resident of village - Barej, P.S. - Mohania, Dist. - Kaimur, Pin - 821109.

74. Kunal Kundan son of Lalan Prasad C/o - Bhagwat Singh (Retd. Teacher), Ban-Pahari, Mansoor Nagar / Behind the Chattan) P.O. - Sohsarai, Biharsharif.

75. Samdarshi Paswan son of Sri Ramesh Paswan Mohalla - Anand Vihar Colony, North Birhampur, Anisabad, Patna - 800002.

76. Rakesh Kumar son - Devendra Thakur Block Supply Inspector, Kaler, Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.

2. The Deputy Secretary, to the Govt. Department of Food & Consumer Protection, Bihar, Patna.

3. The Principal Secretary-cum-Commissioner, Finance Department, Govt. of Bihar, Patna.

4. The Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

(In CWJC No. 19008 of 2015)

For the Petitioner/s : Mr Y.V.Giri, Sr. Advocate
Mr. Pranav Kumar
For the BSFC : Mr. Anjani Kumar, Sr. Advocate
Mr Shailendra Kumar Singh
For the State : Mr Kumar Priya Ranjan, SC 23

(In CWJC No. 19421 of 2015)

For the Petitioner/s : Mr Vinod Kumar Kanth, Sr. Advocate
Mr Mukul Sinha
Mr. Rajesh Kumar
For the BSFC : Mr. Anjani Kumar, Sr. Advocate
Mr Shailendra Kumar Singh
For the State : Mr Raju Giri, GP 30

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-01-2016

There are two sets of writ applications, which have been heard together because both of them have raised identical questions of law on identical background of facts arising from a notification issued by the State of Bihar under the signature of the Secretary of the Department of Food and Consumer Protection, Government of Bihar. The relevant order under challenge is Annexure- 1 dated 7.12.2015 in CWJC No.19421 of 2015 and the corresponding Annexure in the other writ application, which is CWJC No.19008 of 2015, is Annexure-5.

2. The facts relating to the present dispute is that the petitioners before this Court along with others came to be recruited and appointed on the basis of a Graduate Level Competitive Examination held by the Bihar Staff Selection Commission. On the basis of the recommendations made by the Staff Selection

Commission, the persons so recommended were ordered to join and all the persons have joined the service as Supply Inspectors under the State between 22.3.2013 and 6.1.2014. This fact would be evident from Annexure-6.

3. Soon after their joining they were sent on deputation by virtue of Annexure- 7, which is dated 22.1.2014. During this period of deputation, there were various issues which arose vexing the petitioners which included the question of non- payment of salary for a long period of time, non-opening of their service book as well as non-opening of account under the new Pension Rule, which is known as PRAN. However, the issue of payment of salary on protest etc. got resolved but other issues continue to vex the petitioners. The manner in which they came to be deputed even without being born in the cadre were realized by the State Government, therefore, they decided to repatriate the petitioners back in service by virtue of Annexure- 9, dated 30.6.2015.

4. Nothing moved, nothing happened with regard to the issues noticed above. Still yet another notification was issued in terms of Annexure- 1, dated 7.12.2015 handing over their service to the Bihar State Food and Civil Supplies Corporation for their posting against various stations indicated in the said notification. The petitioners, therefore, have decided to assail the decision and



notification on many a grounds. The two senior counsels representing the petitioners in the two writ applications have more or less a common submission to make that the service of the petitioners are regulated and controlled by a set of service Rule notified by the State Government, which has been brought on record as Annexure- 2 to the writ application. Annexure- 2 is a complete code by itself which regulates the service of these petitioners and there cannot be any dispute that these petitioners are employees of the State of Bihar and they have certain rights, which flow from such appointment and selection on the post in question. If they are State Government employees then they have a right to be first born in the cadre, they have a right that their service book should be opened, all other formalities should be completed and they also have to complete the period of probation running into two years coupled with confirmation. Even though the period of probation has been completed since their joining, their confirmation as such has not happened as yet. Despite all these facts their services have been handed over to Bihar State Food and Civil Supplies Corporation for paddy procurement.

5. Learned senior counsel, Mr. Kanth submits that Annexure- 1 would indicate that it is not even a deputation. Service of these petitioners cannot be handed over to Bihar State Food and Civil Supplies Corporation as the notification indicates since they

have a lien over the post and their service cannot be handed over to a Corporation because they are not employees of the Corporation.

6. If it is treated as a case of deputation then there are certain requirements also which are required to be fulfilled and there cannot be any dispute on the law as to what is needed for a deputation and what the word deputation means. In this regard reliance has been placed on a decision of the Hon'ble Apex Court in the case of *State of Punjab v. Inder Singh*, reported in (1997) 8 SCC 372, especially paragraph 18, which reads as under :

“18. The concept of "deputation" is well understood in service law and has a recognised meaning. “Deputation” has a different connotation in service law and the dictionary meaning of the word 'deputation' is of no help. In simple words “deputation” means service outside the cadre or outside the parent department. Deputation is deputing or transferring an employee to a post outside his cadre, that is to say, to another department on a temporary basis. After the expiry period of deputation the employee has to come back to his parent department to occupy the same position unless in the meanwhile he has earned promotion in his parent department as per the Recruitment Rules. (emphasis mine) Whether the transfer is outside the normal field of deployment or not is decided by the authority who controls the service or post from which the employee is transferred. There can be no deputation without the consent of the person so deputed and he would, therefore, know his rights and privileges in the deputation post. (emphasis mine) The law on deputation and repatriation is quite settled as we have also seen in various judgments which we have referred to above.

There is no escape for the respondents now to go back to their parent departments and working there as Constables or Head Constables as the case may be.”

7. Yet another decision relied by Mr Y.V.Giri, learned senior counsel in regard to same proposition is the decision rendered in the case of *Umapati Choudhary v. State of Bihar, reported in (1999) 4 SCC 659*. Paragraph 8 also has significance, which is reproduced herein below :

“8. Deputation can be aptly described as an assignment' of an employee (commonly referred to as the deputationist) of one department or cadre or even an organisation (commonly referred to as the parent department or lending authority) to another department or cadre or organisation (commonly referred to as the borrowing authority). The necessity for sending on deputation arises in public interest to meet the exigencies of public service. The concept of deputation is consensual and involves a voluntary decision of the employer to lend the services of his employee and a corresponding acceptance of such services by the borrowing employer. It also involves the consent of the employee to go on deputation or not. (emphasis mine) In the case at hand all the three conditions were fulfilled. The University, the parent department or lending authority, the Board, the borrowing authority and the appellant the deputationist, had all given their consent for deputation of the appellant and for his permanent absorption in the establishment of the borrowing authority. There is no material to show that the deputation of the appellant was not. in public interest or it was vitiated by favoritism or mala fide. The learned single Judge in the previous writ petition had neither



quashed the deputation order nor issued any direction for its termination. Indeed the learned single Judge had dismissed the writ petition. No material has been placed before us to show that between November 1987 when the judgment of the single Judge was rendered and December 1991 when the Division Bench disposed of the writ petition filed by the appellant the petitioners of the previous case had raised any grievance or made any complaint regarding non-compliance with the directions made in the judgment of the learned single Judge. In these circumstances the Division Bench was clearly in error in declining to grant relief to the appellant. Further, the appellant has, in the meantime, retired from service, and therefore, the decision in the case is relevant only for the purpose of calculating his retiral benefits.”

8. There is certain amount of disquiet, which has been raised, in the manner which the Government has gone while dealing with the present set of petitioners. This Court finds it rather strange that the State of Bihar and senior officials do not understand the basics of law while dealing with service of their own employees. This Court has no quarrel that the service of employees can be taken in an emergent situation for the object which is required to be achieved, for a limited period of time, which even the Hon'ble Apex Court has talked about in the earlier part of the order reproduced above. But the other requirement of law and the rules have to be followed. The petitioners cannot be kicked around at the whims and fancy of the authorities merely because they have authority to exercise on a

government employee. Even government employees are not slaves. They continue to be citizens of this country and right provided to them under various rules and statutes including the Constitution of India do apply to them.

9. Learned senior counsel also points out that there is element of pick and choose in the manner certain persons have been sent to Corporation and certain persons have been retained in service and they also have been posted as Supply Inspectors and all paper formalities such as opening of service book etc. are already in place. So far as these petitioners are concerned, uncertainty continues to dog them because anxiety of the manner in which they have been treated from day one after their joining the service. The State Government is not willing to retrace its steps despite realizing the follies they have committed while deputing the petitioners on the first occasion to the Corporation which necessitated their repatriation. The Court is constrained to record that the conduct of the respondents have been very very callous.

10. Learned counsel representing the Corporation supports the decisions on the ground that Corporation is an extension of the State as it is funded and owned by the State. Rule 267 of the Bihar Service Code gives power to the authorities to make such assignments of service to a Corporation. There is no dispute here as

well that the Corporation is owned and controlled by the State Government.

11. This Court has serious reservation with regard to applicability of Rule 267 of Bihar Service Code in the present set of facts for the simple reason that the Court will go by the language used in the notification issued by the State Government and there cannot be any inference or presumption with regard to what the Government intended to do or what they have done while issuing the impugned notification, which is under challenge in the two writ applications.

12. Learned senior counsel for the Corporation takes a plea that it is a case of deputation which will be evident from reading the bottom part of the order or notification under challenge even if the heading of the said notification indicates that the service of these petitioners have been handed over to the Corporation. According to him, it is not a case of handing over the service of the petitioners to Corporation.

13. The Court, however, opines that the word '*Pratinukti*' used in the last portion of the order is a direction to the Managing Director not to post the present petitioners at the place where they were earlier deputed or posted in addition to the home district or the present place of posting. The '*Pratinukti*' here does not mean that it is case of deputation to the Corporation which

respondents insist upon.

14. In totality, therefore, even though learned counsel representing the State also tried to justify the decision of the State in issuing the notification in question but the law being what it is, and the language of the notification which reads as it does, the impugned notification becomes vulnerable and is required to be quashed. Annexure- 1 which is corresponding to Annexure- 5 in the other writ application stands quashed in relation to the present petitioners. By virtue of quashing of notification in question, the petitioners will also report back to the parent Department and the consequences thereafter will follow.

15. Both the writ applications are allowed. However, if the Government wants to redeem the situation, they can do so but only after following the law and the rule in this regard keeping in mind the follies committed earlier.

16. Before parting, the Court will also like to remind powers that be that the Government does have vast powers but such powers are not unbridled. They should have taken proper legal advice before issuing the impugned notification instead of justifying the hackneyed kind of decision taken by the authorities.

(Ajay Kumar Tripathi, J)

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