

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21366 of 2014

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Rajiv Kumar Singh, S/o Sri Deobrat Singh, R/o Masarhi, P.S.- Gaurichak, District - Patna.

.... Petitioner

Versus

1. The State of Bihar, through Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Minor Irrigation, Government of Bihar, Patna.
3. The Deputy Secretary to the Government of Bihar, Patna.
4. The Development Commissioner, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manibhushan Pratap Sengar, Adv.

For the Respondents : Mr. Ranjan Kumar Singh, AC to PAAG 2

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 21-11-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner in the present writ petition filed in public interest seeks direction to the respondents to repair the tube-wells/ borings in the State of Bihar which are out of order and non-functional and not to adversely affect the employees of the Tube-well Wing of the Water Resources Department in the State and to allow them to function as usual.

3. It is stated by the petitioner that Tube-well Branch was created in the year 1986 under the Minor Irrigation Department with the help of the World Bank but now the respondents have decided to

amalgamate the Minor Irrigation Department with Tube-well and Underground Water Wing and to abolish several posts and declare them surplus. The respondents have declared 736 posts of Tube-well Wing surplus.

4. In the counter affidavit filed on behalf of the respondents, it is asserted that the present writ petition has been filed in the garb of public interest at the behest of some employees of the erstwhile Tube-well Wing of the Minor Water Resources Department who are aggrieved with the Reorganization of the Department as Tube-Well Wing of the Department has been merged with the Minor Irrigation Department and several useless/non-functional posts have been abolished vide Resolution of the Department dated 17th of September, 2014. It is pointed out that all the works and schemes running under the erstwhile Tube-Well Division and Groundwater Division are being implemented by the Minor Irrigation Department. Such counter affidavit was filed on 15th of May, 2015 but no rejoinder affidavit thereto has been filed thereafter.

5. The reorganization of the department falls within the exclusive domain of the State. We do not find that putting of the Tube-well Wing and Underground Water Wing under the Minor Irrigation Department is of such nature which affects the irrigation in the State of Bihar. Therefore, the petitioner is not entitled to invoke

the jurisdiction of this Court in the public interest.

6. We do not find any ground to interfere with the writ petition which is dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

B.T/Ibrar

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