

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.683 of 2017

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Ati-Pichhada Adhikar Morcha through its trustee Dr. Dinesh Kumar, son of Late Ganpati Thakur, Resident of Mehandiganj, Patna City. Pin-800008

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department, of Home, Govt. of Bihar, Patna
3. The Principal Secretary, Department, of General Administration, Govt. of Bihar, Patna
4. The State Commission for Backward Classes through the Chairman, Quarter No.-89-92/40, Jawaharlal Nehru Marg, Patna-800 001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Advocate
For the Respondent/s : Mr. Lalit Kishore, PAAG-1
Mr. Manish Dhari Singh, A.C. to PAAG-1
Mr. Mithlesh Kumar Gupta, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-06-2017

This writ petition was filed on 17.01.2017 challenging a notification issued by the State Government on 22.04.2015 by which certain castes Teli (Hindu and Muslim) as well as Tamoli (Chaurasia)



and Barai were shifted to the list of Extremely Backward Castes (Schedule-I) from the list of Other Backward Castes (Schedule-II).

2. Challenging this notification, a writ petition was filed in public interest before this Court way back in the year 2015 after the notification was issued and in C.W.J.C. No. 9215 of 2015 the matter was decided by this Court (Kishori Das & Ors. Vs. The State of Bihar and Ors.- 2017 (2) PLJR 338) wherein, after a detailed discussion, the notification has been upheld. Now, this writ petition after about more than 1½ years of issuance of the notification on 22.04.2015 again in public interest is filed by another Organization and certain additional grounds are raised primarily to say that the Backward Class Commission is not entitled to shift a caste from Schedule-I to Schedule-II of the list. The said power is only available to the Extremely Backward Class Commission and various other grounds are raised.

3. In the case of Kishore Das (supra), the learned Writ Court after advertent to consider various aspects of the matter in detail including the law laid down by the Supreme Court in the case of **Indra Sawhney Vs. Union of India- 1992 Supp. (3) SCC 217** and having held that with regard to recommendation in question judicial review is not permissible, we are not inclined to reopen the issue now at the instance of the petitioner again. Once the notification in



question was challenged in a Public Interest Litigation before this Bench and by a detailed order passed in **Kishori Das** (supra) the notification has been upheld, we are not inclined to go into the question now on the grounds canvassed by the petitioner.

4. The writ petition is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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