

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.584 of 2016

In
Civil Writ Jurisdiction Case No.16428 of 2012

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The State of Bihar, through the Principal Secretary, Home Department, Bihar,
Patna.

... .. Appellant/s

Versus

1. The Bihar Human Right Commission through its Secretary, 9, Bailey Road,
Patna
2. Sheo Dayal Ray, S/o Late Mahendra Ray, Resident of C- 132, Police Colony,
Anisabad, P.S.- Gardanibagh, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhinay Raj Advocate
For the Respondent/s	:	Mr. Ranjan Kumar Singh AC to PAAG-2
For the Respondent No. 2:		Mr. Pramod Kumar Singh Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

8 30-11-2017 Heard learned counsel for the parties.

It is an obvious case where Human Rights Commission's jurisdiction has been misused by a litigant and there is again an obvious error in the Human Rights Commission, entertaining such a claim, because settlement of GPF or non-settlement thereof, could have also been brought before the High Court under Article 226 of the Constitution of India, especially when there is a regular Bench, dealing with such cases of retiral benefits.



There was no occasion for the Human Rights Commission to take upon itself responsibilities of such kind, as if they do not have adequate work within the legislative frame-work, under which they have been created.

Appeal is allowed.

The order impugned, dated 18.01.2016, passed by the Learned Single Judge is set aside. As a consequence thereof, the order passed by the State Human Rights Commission, dated 26.03.2012, in File No. BHRC / Comp. 420 / 11, also stands set aside.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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