

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5421 of 2015

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Devanand Patel son of Sri Brahamdeo Prasad, resident of village Karnpura, P.O. Jadhua (Hajipur) , P.S. Ganga Bridge, District Vaishali.

.... Petitioner

Versus

1. The Union of India - through the Secretary, Agriculture, Animal, Husbandry & Fisheries Department, Government of India, New Delhi.
2. The State of Bihar- through its Chief Secretary.
3. Secretary, Animal & Fisheries Resource Department, Government of Bihar, Patna.
4. Special Secretary, Animal & Fisheries Resource Department , Government of Bihar, Patna.
5. Director, Animal Husbandry, Directorate of Animal Husbandry, Bihar, Patna.
6. Regional Animal Husbandry Officer, North Bihar, Muzaaffarpur.
7. District Animal Husbandry Officer, Vaishali.
8. Punjab National Bank, Main Branch, Hajipur.
9. Dr. Gayatri Mukherjee, District Animal Husbandry, Vaishali.
10. Dr. Chandra Shekhar, Sub-Divisional Animal Husbandry Officer, Hajipur.
11. Dr. Sudhir Kumar , Mobile Primary Medical Officer, Raghapur, Vaishali.
12. Dr. B.K. Rai, Mobile Primary Medical Officer, Raghapur, Vaishali.
13. Dr. Vijay Kumar Manda, Mobile Primary Medical Officer, (Ch), Hajipur.
14. Kumar Ajit son of late Ram Nath Singh resident of village Ghataro (Gaisingh Tola) , P.O. Ghataro, P.S. Kartaha , District Vaishali.
15. Deepak Jaiswal son of late Jagdish Chaoudhary, resident of Mohalla- Budha Colony, P.O.- G.P.O. , P.S. Kotwali, District- Patna.
16. Smt. Beauty Kumari, wife of Sri Prakash Kumar, resident of village- Khorampur, P.S. - Chakmagola, P.S. Deshri, District Vaishali.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 7639 of 2015

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Zulfqar Ali Haider son of Jamil Akhtar , resident of At & P.O. Daud Nagar , Via



Baulkaram, District Vaishali, Pin-844113

.... Petitioner

Versus

1. The Union of India - through the Secretary, Agriculture, Animal Husbandry & Fisheries Department, Government of India, New Delhi.
2. The State of Bihar- through its Chief Secretary.
3. Secretary, Animal & Fisheries Resource Department , Government of Bihar, Patna.
4. Special Secretary, Animal & Fisheries Resource Department , Government of Bihar, Patna
5. Director , Animal Husbandry, Directorate of Animal Husbandry, Bihar, Patna.
6. Regional Animal Husbandry Officer, North Bihar, Muzaffarpur.
7. District Animal Husbandry Officer, Vaishali.
8. State Bank of India, A.D.B. , Hajipur.
9. Dr. Gayatri Mukherjee, District Animal Husbandry, Vaishali.
10. Dr. Chandra Shekhar, Sub-Divisional Animal Husbandry Officer, Hajipur.
11. Dr. Sudhir Kumar , Mobile Primary Medical Officer, Pratap Tar, Vaishali.
12. Dr. B.K. Rai, Mobile Primary Medical Officer, Raghopur, Vaishali.
13. Dr. Vijay Kumar Mandal , Mobile Primary Medical Officer, (Ch), Hajipur.
14. Kumar Ajit , son of late Ram Nath Singh , resident of village Ghataro (Gaisingh Tola) , P.O. Ghataro, P.S. Kartaha, District Vaishali.
15. Deepak Jaiswal , son of late Jagdish Choudhary, resident of Mohalla- Budha Colony, P.O.- G.P.O., P.S. Kotwali, District Patna.
16. Smt. Beauty Kumari wife of Sri Prakash Kumar, resident of village Khorampur, P.S. Chakmagola, P.S. Deshri, District Vaishali.

.... Respondents

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Appearance :

(In CWJC No.5421 of 2015)

For the Petitioner/s	:	Mr. Rajeev Ranjan Prasad, Advocaes
For the State	:	Mr. Shashi Shekhar Kumar Prasad, AC to PAAG-2
For respondent no. 7	:	Mr. Abhimanyu Vatsa, Advocate Mr. Sushansu Trivedi, Advocate Mr. Rajnikant, Advocate
For PNB	:	Mr. Kumar Priya Ranjan, Advocate Mr. Niraj Kumar,

(In CWJC No.7639 of 2015)



For the Petitioner/s : Mr. Rajeev Ranjan Prasad, Advocate
For Union of India : Mr. Nivedita Nirvikar, Advocate
For the State : Mr. Sheo Shankar Prasad SC-10
For SBI : Mr. Sanjiv Kumar, Advocate
For respondent no. 7 : Mr. Abhimanyu Vatsa, Advocate
Mr. Sushansu Trivedi, Advocate
For respondent no. 9 to 12 : Mr. Anil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-12-2017

Both these writ petitions have been filed by the petitioners for quashing the selection list prepared by the State respondent under the Chairmanship of the District Animal Husbandry Officer, Vaishali whereby in the final selection list, the petitioners have not been selected for subsidy under Samekit Murgi Vikas Yojna.

2. A preliminary objection has been raised by the learned counsel for the State regarding maintainability of the writ petition in view of availability of an equally efficacious alternative remedy for resolution of the dispute. He submitted that under the scheme, any kind of dispute is to be first raised before the Principal Secretary/Secretary, Animal & Fisheries Resource Department, Government of Bihar and his decision shall be final. He submitted that no dispute has been raised by the respective petitioners before the Principal Secretary/Secretary with respect to the reliefs prayed for in the present writ petition.



3. I find force in the submissions made by the learned counsel for the State.

4. In view of availability of an equally efficacious alternative remedy to the petitioners, I am not inclined to entertain these writ petitions in extraordinary writ jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, the writ petitions are disposed of with liberty to the petitioners to raise their dispute first before the authority concerned. In case such a dispute is raised by filing an application before the Principal Secretary/ Secretary concerned, he shall be required to examine the same and pass a reasoned order in accordance with law as early as possible, preferably within a period of four months from the date of filing of the case.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2017
Transmission Date	NA

