

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3292 of 2016

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Bihar Rajya Swarnkar Sangh through its resident Suresh Sah, Son of Late Ram Deo Sah, resident of Village and Post Office - Murawatpur, P.S. - Desri, Block - Sahdeibujurg, District - Vaishali at Hajipur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
4. The District Magistrate - cum - District Election Officer Vaishali at Hajipur.
5. The District Panchayat Officer Vaishali at Hajipur.
6. The State Election Commissioner through its Secretary, Son Bhawan, Birchand Patel Path, Patna.

.... Respondents

with

Civil Writ Jurisdiction Case No. 3546 of 2016

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Nagina Prasad, Son of Late Janki Yadav, resident of Village, Post Office and Gram Panchayat- Lakhawar, Police Station and Block- Ghoshi, District- Jehanabad.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
4. The District Magistrate-cum-District Election Officer Jehanabad.
5. The District Panchayat Officer Jehanabad.
6. The State Election Commissioner through its Secretary, Son Bhawan, Birchand Patel Path, Patna.

.... Respondents

with

Civil Writ Jurisdiction Case No. 4278 of 2016

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1. Ranjan Kumar Singh, Son of Late Rama Nand Singh, resident of village- Nanho, P.O.- Belwain, P.S.- Karakat, District- Rohtas.
 2. Satya Narayan Singh, Son of Late Sheo Shankar Singh, resident of village + P.O.- Padsar, P.S.- Karakat, District- Rohtas.
 3. Yugeshwar Singh, Son of Late Ripu Singh, resident of Village + P.O.- Kirhin, P.S.- Karakat, District- Rohtas.
 4. Ramadhar Singh, Son of Late Muneshwar Singh, resident of village- Chandi, P.O.- Kishin, P.S.- Karakat, District- Rohtas.
 5. Sharda Nand Singh, Son of Late Anant Singh, resident of village + P.O.- Kurur,



P.S.- Karakat, District- Rohtas.

6. Sanjay Kumar Tiwari, Son of Late Deo Muni Tiwary, resident of Village- Manik Parasi, P.O.- Gorakh Parasi, P.S.- Karakat, District- Rohtas.

.... Petitioners

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The Director, Panchayat Raj Department, Government of Bihar, Patna.
4. The State Election Commission through its Secretary, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate cum District Returning Officer, Rohtas.
6. The District Panchayat Raj Officer, Rohtas, Sasaram.
7. The Block Development Officer cum Block Returning Officer, Karakat, Rohtas.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 4986 of 2016

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Ram Bhajan Mehta, Son of Late Gobind Mehta, resident of village and P.O.- Bela, Block- Lakhnour, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
4. The District Magistrate-cum-District Election Officer, Madhubani.
5. The District Panchayat Officer, Madhubani.
6. The State Election Commissioner through its Secretary, Sone Bhawan, Birchand Patel Path, Patna.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 5765 of 2016

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Ajay Kumar Sinha, S/o Late Tarni Prasad, R/o At P.O. + P.S.- Nabi Nagar, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The Director Panchayat Raj Department, Government of Bihar, Patna.
4. The State Election Commission through its Secretary, Sone Bhawan, Birchand Patel Path, Patna.
5. The District Magistrate cum District Returning Officer, Rohtas.
6. The District Panchayat Raj Officer, Rohtas, Sasaram.
7. The Block Development Officer cum Block Returning Officer, Karahgar,



Rohtas.

.... Respondents

Appearance :

(In CWJC No.3292 of 2016)

For the Petitioner : Mr. Jitendra Kumar Roy, Advocate.

For the State : Mr. Anjani Kumar, A.A.G. 4.

For the State Election

Commission : M/S. Amit Shrivastava and Girish Pandey,
Advocates.

(In CWJC No.3546 of 2016)

For the Petitioner : Mr. Jitendra Kumar Roy, Advocate.

For the State : Mr. Bishwa Bibhuti Kumar Singh, A.C. to
P.A.A.G.-I.

(In CWJC No.4278 of 2016)

For the Petitioners : Mr. Ashutosh Ranjan Pandey, Advocate.

For the State : Mr. Bishwa Bibhuti Kumar Singh, A.C. to
P.A.A.G.-1.

(In CWJC No.4986 of 2016)

For the Petitioner : Mr. Ram Narayan Mahto, Advocate.

For the State : Mr. Bishwa Bibhuti Kumar Singh, A.C. to
P.A.A.G.-1.

(In CWJC No.5765 of 2016)

For the Petitioner : Mr. Prabhat Ranjan Singh, Advocate.

For the State : Mr. Saroj Kumar, A.C. to A.A.G. 3.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-05-2017

As the question involved in these writ petitions with regard to reservation provided under the Bihar Reservation of Vacancies in Posts and Services SC, ST and other Backward Class) Act, 1991 and providing for reserved post on the same under the Bihar Panchayat Raj Act, 2006 has already been considered and decided against the petitioner by a co-ordinate Bench of this Court in the case of Sanjay Kumar Vs. The State of Bihar & Ors., in C.W.J.C. No. 4222 of 2016, reported in 2017(1) PLJR 606. Even though learned



counsel appearing for the petitioners by placing reliance of a judgment of the Supreme Court in the case of **K. Krishna Murthy (DR.) & Ors Vs. Union of India and another** reported in **2010(7) SCC 202**, argue that the judgment of the Supreme Court has not been considered by the Division Bench.

We are of the considered view that with regard to issue as far as it pertains to reservation under the Bihar Panchayat Raj Act, 2006 has already been considered and decided by the Division Bench, we see no reason to take a different view in these matters.

The petitions stand dismissed.

(Rajendra Menon, CJ)

U.K./-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.05.2017
Transmission Date	

