

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13750 of 2016

Arti Sinha wife of Pawan Kumar resident of Mohalla- Gaulachhni, P.S. Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Home Department, Govt. of Bihar, Patna, Old Secretariat, Patna.
3. The Chairman, Bihar State Law Authority and
4. The Secretary, Bihar State Vividh Law Authority.
5. District Judge Sasaram at Rohtas cum Chairman Bihar State Law Authority.
6. The District Magistrate, Sasaram at Rohtas cum Vice Chairman Law Authority Deptt.
7. Kalpana Kumari Daughter of Jawala Singh resident of Village- Gau Lachhni P.S. Sasaram, District- Sasaram.
8. The District Judge at Sasaram.
9. Lok Suchna Padadhikari cum Secretary, District Legal Services Authority, Sasaram at Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1
For the Respondent/s : Mr. SHEO SHANKAR PRASAD- SC8

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2017 Heard learned counsels for the parties.

This writ application has been filed for directing the respondents to appoint the petitioner as Permanent Member of Lok Adalat at Sasaram.

Learned counsel for the petitioner submits that the petitioner has remained a Member of Lok Adalat at Sasaram for two terms, but now she has been replaced by one Kalpana Kumari.

On the face of it, the writ application and the relief sought therein are misconceived. Though, the candidate, who has replaced the petitioner, has been arrayed as Respondent No. 7 in the present



writ application, but the appointment of Respondent No. 7, Kalpana Kumari has not been challenged. It has nowhere been contended that Respondent No. 7 has been illegally appointed. The petitioner is claiming to be continued a Member of Lok Adalat, Sasaram, only in view of the fact that she has remained a Member for two terms.

Sub-section (2) of Section 4 of The Permanent Lok Adalat (Other Terms and Conditions of Appointment of Chairman and other Persons) Rules, 2003 (hereinafter referred to as the 'Rules') stipulates that the Chairman and other persons shall hold office for a term of five years and shall not be eligible for reappointment. Hence, in view of what has been stipulated in sub-section (2) of Section 4 of the Rules, the petitioner cannot claim to be reappointed.

Accordingly, no mandamus can be issued in favour of the petitioner, since the relief sought by her is barred by the statute itself.

The writ application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

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