

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16478 of 2015

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Sanjay Sinha, S/o Shree Narain Sinha, R/o Flat No. 205, Hira Kunj Apartment,
Mohalla- Kadamkuan, P.O. + P.S.- Kadamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Forest and Environment, Government of Bihar, Patna.
3. The Principal Chief Conservator of Forest, Department of Forest and Environment, Government of Bihar, Patna.
4. The Chairman, Bihar State Public Service Commission, Bailey Road, Patna.
5. The Chairman, Bihar Staff Selection Commission, Patna.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. S.M. Shabbir Alam, Advocate
For the State : Mr. Bishwa Bibhuti Kumar Singh, AC to PAAG-I
For the BSSC : Mr. Satyabir Bharti, Advocate
For the BPSC : Mr. Zaki Haider, 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: 22-06-2017

In this petition filed in public interest, grievance of the petitioner is with regard to recruitment for vacant posts in the Forest Department, particularly with regard to various ranks of Forest Officers.

The counter affidavits have been filed by the respondents and we find that the process for the same has been initiated. Apart from the aforesaid, the petitioner wants to formulate Statutory Rules and Regulations for appointment to the posts and a policy to be placed on record for the said purpose. These are all legislative functions beyond the jurisdiction of a writ Court to issue a mandamus for the same.



As far as recruitment process is concerned, the respondents have already initiated the process and we see no reason to make any further indulgence into the matter. That apart, the dispute in this case is a service dispute pertaining to appointment of Forest Officers and therefore, a public interest litigation is not maintainable as has been held by the Supreme Court in the case of **Bholanath Mukerjee & Ors. Versus. Ramakrishna Mission Vivekananda Centenary College & Ors. [(2011) 5 SCC 464]** and recently by the Delhi High Court in the case of **(Forum of SC and ST Legislators and Parliamentarians versus Oil and Natural Gas Corporation Ltd. & Anrs. [W.P.(C) 1698/2017]** decided on 27.02.2017.

Taking note of all these circumstances, we are not inclined to interfere into the matter. With the aforesaid, this writ petition stands disposed of with liberty to the petitioner to take up the issue with the concerned authority of the State.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2017
Transmission Date	

