

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6471 of 2017

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Bihar Rajya Scheduled Castes / Scheduled Tribes Advocate Sangh, Bihar, Patna through its President, Deepak Kumar, Son of Late Sachidanand Kumar, Resident of Mohalla- Paithan Toli, P.O.- Sasaram, P.S.- Sasaram Town, District- Rohtas.

... .. Petitioner/s

Versus

1. The Union of India, through the Cabinet Secretary, Govt. of India, New Delhi.
2. The Secretary, Prime Minister's Office, Govt. of India, New Delhi.
3. The Secretary, Ministry of Social Justice and Empowerment, Government of India, New Delhi.
4. The Secretary, National Commission for Safai Karamchari, Lok Nayak Bhawan, Khan Market, New Delhi.
5. The Principal Secretary, SC/ST Welfare Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr. Amish Kumar, AC to AAG8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

9 12-01-2018 Inter alia, contending that while appointing the Chairperson/Members to the National Commission for Safai Karamcharies, requirement contemplated under sub-section 3(2) of the National Commission for Safai Karamcharies Act, 1993 has been violated and persons with political background are only being appointed by the Central Government, this petition has been filed in public interest.

Counter Affidavits have been filed by the respondents and in the counter affidavit filed by the Department of Social Justice



and Empowerment, New Delhi from para-3 onwards details have been indicated to show that after consultation with the State Government steps have been taken for appointment of Chairpersons and the members in accordance with the requirement of law. Further, counter affidavit has been filed on behalf of the respondent No. 5, the Principal Secretary, SC/ST Welfare Department, Govt. of Bihar, Patna pointing out from para-4 onwards that in pursuance to the decision of the Government appointments have been made after evaluating the subjective satisfaction of the Committee.

From the counter affidavits that have come on record, we find that the appointments have been made by the Government in accordance to the subjective satisfaction arrived at by the concerned selection committee and after consultation with the State Government and merely because a person appointed has political background, it cannot be construed that he does not fulfill the criteria of being a person of eminence and connected with socio-economic development.

The discretion available to the statutory authorities having been exercised in accordance with the requirement of the law and there being nothing to show that it has been arbitrarily or malafidely exercised, we are not inclined to interfere into the



matter in public interest litigation.

Being satisfied with the averments made in the counter affidavits filed by the respondents, we dispose of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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