

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10525 of 2017

Mr. Lal Babu Sharma, age- 51 years, S/o Lt. Ram Tahal Sharma, R/o Village+
Post- Jamo Bazar, P.S.+ Block- Goreya Kothi, District- Siwan. ... Petitioner/s
Versus

1. The State of Bihar through Chief Secretary of Government of Bihar.
2. The District Collector, Siwan.
3. The Police Superintendent, Siwan.
4. The Sub Divisional Officer, Siwan.
5. The Commissioner, Chhapra Division. ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Usha Kumari
For the Respondent/s : Mr. Sheoshankar Prasad-Sc8

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-12-2018 The petitioner has made a queer prayer for being

appointed as a Non-official Visitor for Jail & Police Station in

the district of Siwan.

The aforesaid prayer has been made by him on the

strength of a judgement delivered by the Hon'ble Supreme

Court in the case of ***D. K. Basu Vrs. State of West Bengal &***

Ors., reported in AIR 2015 SC 2887.

The direction given in the aforesaid case by the

Supreme Court is that the State government may take

appropriate action in this regard, keeping in view the

provisions contained in Prison Manuals and Police Acts and

Rules applicable to each State.

This Court is firmly of the view that the present



writ petition is not maintainable for two reasons: firstly, that the petitioner does not have a claim over the post of Non-official Visitor in Jail and; secondly, if the petitioner desires that the aforesaid post be filled up by the State authorities in the light of the directions given by the Hon'ble Supreme Court in D. K. Basu (supra), then the nature of this writ petition gets converted into a public interest litigation (PIL), which is not maintainable before this Court.

However, after going through the statement made by the State in the counter affidavit that the name of the petitioner has been forwarded by the Incharge, District General Section, Siwan to the Superintendent, Siwan Jail for the needful and that the process is afoot for appointment of Non-official Visitor in Siwan Jail, the petitioner does not press this application any further and seeks permission to withdraw the same.

As a result, the petition is dismissed as not pressed.

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(Ashutosh Kumar, J)

