

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.305 of 2018

In
Civil Writ Jurisdiction Case No.5159 of 2016

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Vijay Vatsyayan son of Late Parmanand Singh Madan, Resident of
Village P.O.- Chautauna, P.S. District- Samastipur presently resident of House
No- 221, Chhatauna, Chhatauna, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, General Administrative Department, Govt. of Bihar,
Patna.
3. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
4. The Bihar State Election Commission through its Secretary, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chakrapani, Advocate
For the Opposite Party/s : AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA)

5 26-06-2019 Heard Mr. Chakrapani, the learned counsel appearing
on behalf of the petitioner and AC to AAG-6, the learned
counsel for the State.

The petitioner has filed this review petition for
reviewing the order dated 03.04.2017 passed in C.W.J.C.
No.5159 of 2016 by a Division Bench of this Court holding that
the notification for deleting the name of Tanti/Tantwa from the



category of most backward caste and putting the same caste in the category of Scheduled Caste does not require any interference.

Mr. Chakrapani, the learned counsel for the petitioner, submits that the petitioner filed the writ petition in C.W.J.C. NO.5159 of 2016 challenging the notification as contained in Memo No.9532 dated 01.07.2015 that the notification will affect the panchayat elections and also the composition of panchayat. It is further submitted that a Division Bench of this Court by order dated 18.03.2016 passed interim order that the result of election which may be held pursuant to the impugned notification shall be subject to the outcome of this writ petition and/or such further other order/orders that may be passed in this writ petition. It is submitted that since this writ petition was also clubbed along with other writ petitions and L.P.As. treating all the writ petitions as Public Interest Litigations, in which the virus of the notifications of the State of Bihar was challenged, the contention raised by the petitioner is about affecting the panchayat election on issuance of notification just a year before holding of panchayat elections. Therefore, the order requires to be reviewed.

Heard both sides and having considered the



submissions and on perusal of the pleadings, we find that the petitioner in his writ petition sought following relief :

1(i) To grant appropriate relief in the facts and circumstances as narrated below, which the Hon'ble Court may deem fit and proper.

The petitioner did not seek any relief that by putting Tanti/Tantwa in the scheduled caste category after deleting the same from the most backward caste will adversely affect the ensuing panchayat election. There is no pleading in the writ petition nor the demography of the caste or the population of the caste has been stated in order to show that if Tanti or Tantwa is included in the category of scheduled caste that may affect the panchayat election of any panchayat.

We find that the State Government on the basis of the report of the Commission rightly deleted Tanti/Tantwa from the list of most backward class and put the same caste in the category of scheduled caste and provided reservation equal to that of scheduled caste after considering the report of the Commission about the pitiable condition of Tanti/Tantwa. The notification is found to be intra vires.

Thus, we do not find any reason to review the order on this ground or on the pleading made in the writ petition.



Accordingly, this review petition is dismissed.

(Prabhat Kumar Jha, J)

(Sudhir Singh, J)

Narendra/-

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