

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7962 of 2019

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Sanjay Kumar Chaudhary S/o Late Kauleshwar Chaudhary Resident of
Mohalla- Panchu, Gadhpur, P.O.- Hisua, P.S.- Hisua, District- Nawada,
(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary Rural Development Department, Govt. of Bihar.
3. The Secretary Rural Development Department, Govt. of Bihar- cum - Chief Executive Officer, Bihar, Rural Development Society, (BRDS,) Real Cross Building Gandhi Maidan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari
For the Respondent/s : Mr.Anjani Kumar (Aa4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-04-2019

The present writ petition has been filed for directing the respondents to conduct re-examination for the post of Programme Executive qua the petitioner herein or to direct the respondents to declare him as a successful candidate since the petitioner has been precluded from appearing in the examination held on 6.3.2019 at Gyan Niketan Girls School, Patna by the Bihar Rural Development Society-BRDS for the post of Programme Executive.

2. At the outset, a preliminary objection has been raised with regard to the maintainability of the present writ petition inasmuch as Bihar Rural Development Society admittedly, is an



autonomous society, hence, the writ petition under Article 226 of the Constitution of India is not maintainable, as against it.

3. On the contrary, the learned counsel for the petitioner has not been able to rebut the fact that the Respondent-Bihar Rural Development Society is neither a statutory body nor an authority under Article 12 of the Constitution of India.

4. I have heard the learned counsel for the parties and considering the fact that the Respondent-Bihar Rural Development Society is neither a statutory body nor an authority and moreover, control of the State Government appears to be only regulatory in nature as well it being not a 'State' within the meaning of Article 12 of the Constitution of India, this Court finds that the Bihar Rural Development Society is not amenable to the jurisdiction of this Court under Article 226 of the Constitution of India. In this connection, reference be had to a judgment reported in *(2002) 5 SCC 111 (Prakash Kumar Biswas Vs. Indian Institute of Chemical Biology & Ors.)* and the one reported in *(2015) 4 SCC 670 (K.K.Saksena vs. International Commission on Irrigation & Drainage & Ors.)*.

5. Moreover, the present writ petition involves disputed question of facts inasmuch as the case of the petitioner is a case



of mismatch and admittedly even as per the petitioner, the Centre Superintendent had arbitrarily not permitted the petitioner to appear in the exam since the details in the admit-card of the petitioner did not match with his Adharcard. This Court in a writ jurisdiction under Article 226 of the Constitution of India cannot decide disputed question of facts, hence, on the score as well, the present writ petition is not maintainable.

6. For the reasons mentioned hereinabove, there is no merit in the present writ petition, accordingly, the same is dismissed, however, without any order as to costs.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
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