

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10987 of 2019

1. Sanjay Kumar Dutta Son of Sri Hari Narayan Dutta Posted at Director Geological Survey of India, Lohia Nagar, Kankarbagh, Patna presently residing at Flat no. 102, Karpura Savitri Nilayam, Chitkohra, Phulwari Patna- 800002.
2. Akhouri Bishwapriya Son of Akhouri Bhuwaneshwar Posted at Director Geological Survey of India, Lohia Nagar, Kankarbagh, Patna presently residing at House no. 158 Near Sahyog Hospital, Patliputra Colony, Patna-800013.
3. Sukhendu Ray Son of S. Ray Posted at Director Geological Survey of India Lohia Nagar, Kankarbagh, Patna, resident of Ghoshpara Road, Barrackpora, North 24 Paraganas, West Bengal 700120.
4. Sudipto Nath Son of Samir Kumar Nath, Posted at Superintending Geologist, Geological Survey of India, Lohia Nagar, Kankarbagh, Patna residing at 134 A Bakul Bagan Road, Bhawanipore, Kolkata 700025.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary Bihar Patna.
3. The District Election Officer cum District Magistrate Bihar, Patna.
4. The Chief Election Commissioner Election Commission of India, New Delhi.
5. The Chief Electoral Officer, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr.Rajesh Dayal, Adv
For the Elec.Commi. of India	: Mr.Siddhartha Prasad, Adv
	Mr.Sunit Kumar, Adv
	Mr. Om Prakash Kumar, Adv
For the State	: Ms.Neelam Kumari, AC to SC 3

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 15-05-2019

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs, as formulated by the petitioners --



“(a) To direct the respondent no. 3, the petitioners who are senior officers, high status and salary in the Government service are to be exempted from Election duties as Micro-Observer who are to work in the election duties under their subordinate or juniors. The Lok Sabha Election 2019 is going to be held on 19th of May, 2019. The respondent no. 3 has given duty as Micro-Observer to the petitioners in the Lok Sabha Election, 2019 which is contemptuous. The Hon’ble Court passed an order dated 10.02.2005 in CWJC No. 72 of 2005 observed and directed “the duties be assigned to the Government servant after taking into consideration their status and salary so that a senior officer is not required to work under his subordinate or juniors.”

(b) And/or for any other relief(s) for which the petitioners may be found entitled to in the facts and circumstances of the present case.”

3. Learned counsel for the petitioners makes a short submission to the effect that the petitioners who are senior officers in Government service have been assigned election duties as Micro-Observer by the respondent no. 3, which is however against the spirit of the order dated 10.02.2005 passed by this Court in CWJC No. 72 of 2005 (Sonu Ram Kisku and Ors. vs. the State of Bihar and Ors.) (Annexure-1), taking note of the instruction of the Chief Electoral Officer that duties be assigned to the Government servants after taking into consideration their status and salary so that a senior officer is not required to work under his subordinate or junior. It is stated that a representation dated 08.04.2019 has been filed



before the District Election Officer-cum-District Magistrate, Bihar, Patna (respondent no. 3) in this regard but the same remains pending till date.

4. Learned counsel for the respondent-Election Commission of India appears and has been heard.

5. Having regard to the nature of the grievances of the petitioners as well as the order dated 10.02.2005 passed by this Court in CWJC No. 72 of 2005 (Sonu Ram Kisku and Ors. vs. the State of Bihar and Ors.) as aforesaid, the writ petition is disposed of with a direction to the District Election Officer-cum-District Magistrate, Bihar, Patna (respondent no. 3) to consider and dispose of the petitioners' representation dated 08.04.2019 (Annexure-3), if still pending, expeditiously and in any event within 48 hours hereof.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2019
Transmission Date	NA

