

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL REVIEW No.141 of 2018

In

Letters Patent Appeal No.1499 of 2017

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Namita Sinha D/o Janardan Prasad Singh Rai Sadan 2nd Floor, Juran Chapra,
Road No-3, Post Office- Head Post Office Muzaffarpur, District-
Muzaffarpur, Pin- 842001.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Food and Civil Supplies, Government of Bihar,
Patna at Old Secretariat, Bihar, Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation
Ltd., Khadya Bhawan, Daroga Rai Path, R. Block, Road No.2, Patna- 1.
4. The Nodal Officer, Bihar State Food and Civil Supplies, Corporation Ltd.,
C/o B.C.E.C.E. Board, I.A.S. Bhawan, near Patna Airport, P.O. B.V.
College, Patna- 14.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anand Kumar Singh, Advocate Mr. B.P. Singh, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, A.C. to AAG-5
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 06-03-2019

Heard learned counsel for the applicant who is seeking an adjournment.

2. We are not prepared to adjourn the matter.

3. This Review Application has been filed praying that there is an error apparent on the face of record, inasmuch as, the Corporation being an arm of the Government itself, horizontal reservation to dependents of Freedom Fighters should be enforced. Learned counsel submits that there are other Corporations which have in their advertisements incorporated such conditions.

4. The reliance which has been placed by the learned counsel is on the resolution of the General Administration Department, Government of Bihar dated 3rd September, 2015 which recites that the horizontal reservation shall be available in all services under the State.

5. We have gone through the said resolution of the General Administration Department and we do not find that the same has been made applicable in relation to Corporations in a general manner. There is no such recital in the said notification.

6. If other Corporations have adopted the same, then it is also open to the respondent Corporation to adopt the



same but so long as such policy is not adopted by the Corporation, there cannot be a claim of fundamental right of horizontal reservation that can be entertained and enforced through a writ petition under Article 226 of the Constitution of India.

7. The Review Application, therefore, is misconceived and as there is no error apparent on the face of record, the same is, accordingly, rejected.

(Amreshwar Pratap Sahi, CJ)

(Nilu Agrawal, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	07.03.2019
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