

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24007 of 2019

1. Sriraman Singh Son of Late Parmanand Singh, Resident of Road No. 6, Mahavir Colony, Sai Chak, Beur, P.S. Beur, District-Patna, at present posted as Chief Reporter, Bihar Vidhan Sabha, Secretariat.
2. Rajesh Kumar, Son of Late Banwari Sharan, Resident of Damaria, P.S. Anisabad, District-Patna, at present posted as Senior Reporter, Bihar Vidhan Sabha, Secretariat.
3. Satyendra Kumar Singh, Son of Shri Dewak Prasad Singh, Resident of Mohalla Chandpur Bela, P.S.-Jakkanpur, District-Patna at present posted as Senior Reporter, Bihar Vidhan Sabha, Secretariat.
4. Madhup Kumar, Son of Rishikesh Swarnkar, Resident of Gurhatta, Patna City, P.S. Khajekalan, District-Patna at present posted as Senior Reporter, Bihar Vidhan Sabha, Secretariat.
5. Azad Kumar, Son of Late Hari Narayan Sah, Resident of New Yarpur, P.S. Gardanibagh, District-Patna at present posted as Senior Reporter, Bihar Vidhan Sabha, Secretariat.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. Bihar Vidhan Sabha, through its Secretary.
3. The Speaker, Bihar Vidhan Sabha.
4. The Secretary, Bihar Vidhan Sabha
5. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
6. The Principal Secretary, Parliamentary Affairs Department, Govt. of Bihar, Patna.
7. The Additional Secretary, Parliamentary Affairs Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey
For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 03-12-2019

Heard Mr. Bishnu Kant Dubey, learned counsel for

the petitioners, Mr. Chandramauli Chaurisa, learned



counsel for Respondent Nos. 2 to 4 and Mr. Hari Shankar Roy, learned Advocate for the State.

The petitioners are serving as Chief Reporters in the Bihar Legislative Assembly, which is the highest post in the cadre of Reporters. They have approached this Court for a direction to the Hon'ble Speaker, Bihar Vidhan Sabha for exercising his powers under Rule 3 (ka) and (kha) of the Bihar Vidhan Sabha Secretariat (Recruitment and Service Conditions) Rules, 2018 and increase the cadre by adding one more post which would be superior to the post of Chief Reporter, which post was earlier christened as Under Secretary in the earlier Rules governing the service conditions of the employees of Bihar Vidhan Sabha Secretariat.

Learned counsel for the petitioners has submitted that the Rules are very clear in that regard and for every cadre, which is governed by the aforesaid Rules of 2018, posts have been earmarked. For all other cadres, promotional avenues have been provided in the shape of



three to four specific superior posts but in the cadre of Reporters, there are only two promotional posts of Senior Reporter and the Chief Reporter. A superior post could be added by the Speaker in the cadre of Reporters after the concurrence from the Finance Department.

It further appears from the averments made in the writ petition that earlier the petitioners had approached this Court *vide* C.W.J.C. No. 11661 of 2019 seeking amendment in the Rules on the ground that the Rules were not in consonance with the Constitutional scheme of providing promotional avenues to all employees and therefore the Rules required immediate amendment. The aforesaid writ petition was found to be misconceived as the Rules were challenged only on the ground that lesser promotional avenues being provided in the cadre of the Reporters.

By the present writ petition, the petitioners seek to avail of the same relief, which was earlier prayed for in



the case referred to above, namely, C.W.J.C. No. 11661 of 2019, and which was, as indicated above, refused.

There is no vested right of an employee to have the cadre expanded. It all depends upon the need perceived by the authorities and in the present case, the Speaker is the authority to increase the strength of the cadre by adding any superior post in such cadre. Merely because in the earlier Rules, there were three promotional avenues to Reporters, that does not entitle the petitioners to ask for the same in the new Rules of 2018.

No such direction can be issued to the Speaker for exercising that power which is available to him under the Rules referred to above. The need for expansion of the cadre has to be perceived by him only.

Apart from this, from the perusal of the Rules, it does not appear that the cadre of Reporters is a closed cadre. There are two promotional avenues and therefore the set of rules cannot be faulted on the ground of not being in the Constitutional scheme of any employment.



Should the petitioners deem it appropriate, they can approach the Hon'ble Speaker for any change in the Rules / addition of any superior post in the cadre of reporters.

But, this Court does not find any justification for issuing any direction in the nature of mandamus to the concerned authority.

The petition is dismissed but with the liberty to the petitioners to approach the Hon'ble Speaker for the needful, if so advised and desired.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	04.12.2019
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