

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15221 of 2018

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1. Prashant Singh Bist S/o Dr. Kedar Singh Bist, R/o D- 48, Type IV, HBTI, West Campus, Near Jugal Devi School, Kanpur, P.S.- Kanpur Town, District- Kanpur U.P., Presently posted as Probation Officer, Sasaram, District- Rohtas Bihar.
 2. Chandra Lata Kumari D/o Chandreshwar Thakur, resident of Village- Uchidih, P.S.- Pipra, District- West Champaran presently posted as an Probation Officer, at District- Madhubani Bihar.
 3. Sunil Kumar Gupta S/o Hira Lal Gupta resident of Village- Teeka Dewarim P.S.- Chitvardha, District- Balia U.P., presently posted as Probation Officer, at Sasaram, District- Rohtas Bihar.
 4. Manish Kumar S/o Late Ranjeet Kumar Singh, R/o Manupur, Dighwara, P.S.- Dighwara, District- Saran, presently posted as Probation Officer, Gaya.
 5. Arun Kumar S/o Late Kedar Nath, resident of Village- Araraz, P.S.- Araraz, District- East Champaran, presently posted as Probation Officer.
 6. Kumar Raunak S/o Late Ramesh Prasad Gupta, resident of Village- Quawani, P.S.- Chakia, District- East Champaran, presently posted as Probation Officer at Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Secretary Dept. of General Administration, Govt. of Bihar, Patna.
3. The Additional Secretary, Department of General Administration Govt. of Bihar, Patna.
4. The Secretary, Home Department, Govt. of Bihar, Patna.
5. The Additional Secretary-Cum- Director Administration Home Department, Govt. of Bihar, Patna.
6. The Joint Secretary-Cum- Director Administration, Jail and Reform Services, Bihar, Patna.
7. The Director Probation, Jail and Reform Services, Bihar, Patna.
8. The Deputy Director Probation, Jail and Reform Services, Bihar, Patna.
9. Inspector General Prison and Correctional Service, Department of Home Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajkumar Rajesh, Advocate
For the Respondent/s : Mr. Lalit Kishore, Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 08-01-2020 Petitioners have prayed for the following relief(s).

“I. To quash the Clause (7) of Bihar Probation Service Rule, 2014, (As contained in Annexure-3, of the writ petition) whereby and whereunder, the departmental Examination has been inserted in the further promotion of Probation Officer, who were appointed through direct recruitment in lieu of relaxation in the process of mandatory provisions of obtaining training by way of notification No.- 168 dated 19.06.2014 amended by the respondents in Bihar Probation of Offenders Rule, 1959 without obtaining mandatory sanction/approval from the central Govt. which is highly illegal, arbitrary, unconstitutional ultra vires, violative of Article-14, 15, 16 and 21 of Constitution of India.

II. For further direction to declare the proceeding in light of the aforesaid amendment null & void, in consequence of lack of transparency and application of pick and choose method to the particular benefits of favourable candidates by way of unreasonable discrimination impeded in the process of promotion, under such amendment is highly illegal.”

Yesterday, we passed the following order:-

“Despite repeated calls, none appears to press this petition.

However, in the interest of justice, matter is



adjourned.

List this case on 08.01.2020”

Today also, none has entered appearance on behalf of the petitioners.

Learned Advocate General states that the matter is covered vide judgment titled as Nirmala Kumari & Ors. Vs. State of Bihar & Ors, reported in 2017 (4) PLJR 356 (SC).

The petition is accordingly dismissed in default.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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