

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10148 of 2016

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Nagrik Adhikar Manch through its Settler namely Shiv Prakash Rai, son of late Nageshwar Rai, resident of village Gali No.2, Dhobighat, Charitarwan, Buxar, P.S.- Town, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Cabinet Secretary, Govt. of Bihar, Patna.
4. The Secretary to the Hon'ble Governor, Raj Bhawan, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 16856 of 2017

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Satendra Kumar Shandlya Son of Shri Doodhnath Singh, Resident of Village-Arap, P.S.- Vikram, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Principal Secretary, Department of Home, Government of Bihar, Patna.
5. The Secretary-cum-Legal Remembrancer, Department of Law, Government of Bihar, Patna.
6. The Bihar Human Rights Commission through Secretary, 9 Bailey Road, Patna.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 10148 of 2016)

For the Petitioner/s : Mr. Dinu Kumar, Adv.
: Miss Ritika Rani, Adv.
: Mr. Vijay Kumar Vimal, Adv.
For the State : Mr. Anjani Singh, AAG-2
For the EOU : Mr. Vijay Anand, Adv.
For the Respondent/s : Mr.Aag6- Anjani Kumar

(In Civil Writ Jurisdiction Case No. 16856 of 2017)

For the Petitioner/s : Mr.Vikash Kumar Pankaj
For the Respondent/s : Mr.Lalti Kishore -Ag

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

34 24-02-2020 Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for following reliefs:-

“(a) Writ in the nature of mandamus directing the respondents specially the Chief Secretary, Government of Bihar, Patna to fill up the vacancies of constitutional post, Statutory Board, corporation, Council, commission etc. in the State of Bihar which have arisen after acceptance of resignation of many Chairman and members of many boards and Corporations i.e.



Bihar State Women's Commission, Child Protection Commission, Minority Commission, Mahadalit Commission, Forward commission and others Boards and Commissions in the month of May, 2015 whose details have been given in the paragraph no.5 after adopting procedure of transparency and advertisement satisfying the principle of equality in appointment as guaranteed under Article 14 of the Constitution of India.

(b) Also commanding the respondent not to fill up the vacancies of constitutional post, Statutory Board, Corporation, Council, commission etc. from the political background persons who are associated with the ruling coalition party i.e. JD (U), RJD and congress in the State of Bihar headed by Sri Nitish Kumar, Chief Minister of Bihar.

(c) Also for declaring any appointment made by the State government or anybody to the constitutional post, Statutory Board, Corporation, Council, Commission etc. without following procedure of transparency advertisement and



nomination during the pendency of the writ petition is invalid, illegal and bad in law.

(d) Also for declaring taking resignation of many chairpersons and members of the Women's Commission, Forward Commission, Mahadalit Commission, Scheduled Caste Commission, Child Protection Commission etc. by Sri Nitish Kumar, Chief Minister of Bihar is an act of arbitrariness, malafide and misuse of the power.”

With the passage of time as rightly pointed out by the learned counsel for the petitioners, we find the present petition to have served its purpose and outlived its utility for most of the Chairman/members of the Commissions stands appointed.

As such, we dispose of the present petition reserving liberty to the writ petitioner to first approach the authorities pointing out such of those commissions/bodies in which vacancies still exist or may arise in the immediate future, and thereafter take recourse to such remedies are otherwise available, in accordance with law, including approaching this Court.

Copy of the Gazette Notification dated 11th February



2019 appointing certain persons as Chairpersons/member of the
Bihar State Staff Selection Commission be taken on record.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv/-

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