

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5680 of 2021

=====

Ravindra Paswan, Son of Ramchandra Paswan Resident of Ward No. 08,
Village and Post-Madhopatti, Panchayat Madhopati, Raghauli, Block-Keoti,
Police Station-Kamtaul, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj,
Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar,
Patna.
3. The Secretary, Department of Social Justice and Empowerment Minsitry of
Social Justice and Empowerment, Govt. of India, Shastri Bhawan, New
Delhi.
4. The District Magistrate Cum Collector, Darbhanga.
5. The Returning Officer (Panchayat) Cum Block Development Officer, Keoti,
Darbhanga.
6. Surendra Das Son of Rupan Das, Resident of Village and Post-Madhopati,
Block and P.S.-Keoti, District-Darbhangha.
7. Ranjit Kumar Das Son of Late Sukhdeo Das Resident of Village and Post-
Madhopati, Block and P.S.-Keoti, District-Darbhangha.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manindra Nath Tiwari, Advocate
For the Respondent/s : Mr. Mritunjay Kumar, A.C. to AAG-6

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2021 Heard Mr. Manindra Nath Tiwari, learned counsel

for the petitioner and Mr. Mritunjay Kumar, learned A.C. to

AAG-6 for the State.

The present writ application has been filed by the
petitioner challenging the election of respondent No.6 and 7 on
the post of Mukhiya of Madhopatti Panchayat under Block
Keoti in the District of Darbhanga on the ground that respondent



No.6 and 7 belong to 'Khatwa' community but by virtue of Annexure-2, which is Resolution of State Government, they have been granted the certificate of Scheduled Caste community inasmuch as caste of respondent No.6 and 7, i.e., 'Khatwa' has been declared as 'Chaupal' (SC). Learned counsel next submits that Annexure-2 has been issued in complete violation of Annexure-4, which is the notification of the Government of India, Ministry of Social Justice and Empowerment stating that it is not open to the State Government, Courts or Tribunal or any other authority to modify amend or alter the list of Scheduled Castes.

On the other hand, Mr. Mritunjay Kumar, learned counsel for the State submits that in view of the fact that the tenure of respondent No.6, Mukhiya of Madhopatti Panchayat has come to an end, no relief can be granted to the petitioner in the present writ application and the same has become infructuous. Learned counsel further submits that this court may not decide academic question in the present writ application and if the petitioner has any grievance against the Annexure-2, which is Resolution of the State Government, he may file appropriate petition before appropriate Court of law challenging the Resolution of the State Government dated 16.05.2014 (Annexure-2).



Regard being had to the submissions made by the parties and the fact I find force in the submission of learned counsel for the State inasmuch as after the tenure of Mukhiya having come to an end, no relief can be granted to the petitioner in the present writ application and this Court is not inclined to decide the academic question of change of presidential list of caste, as contended by the petitioner.

Accordingly, this the present writ application is dismissed as infructuous.

(Anil Kumar Sinha, J)

sanjeev/-

U			
---	--	--	--

