

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3959 of 2021

Nagrik Adhikar Sanrakshan Foundation, A Society Registered under Societies Registration Act, 1860, having its Office at J-107-Nehru Ekta Colony, R.K. Puram, Sector-7, New Delhi - 110022 through its authorized signatory and Chairman Nagendra Prasad Jaiswal, Male, Aged about 72 Years, Son of Rajnarayan Prasad Resident of H. NO. 554, Nakched Tola, Hanuman Gadhi, P.S. - Motihari Sadar, District- East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The Hon'ble Governor, Bihar through his Principal Secretary, Governor House, Patna.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, General Administrative Department, Patna.
4. The Law Secretary, Department of Law, Govt. of Bihar, Old Secretariat, Patna.
5. The Bihar Vidhan Parishad through its Secretary, Vidhan Parishad Secretariat, Patna.
6. The Secretary, Bihar Vidhan Parishad, Vidhan Parishad Secretariat, Patna.
7. The Election Commission of India, through the Chief Election Commissioner of India, Nirvachan Sadan, Ashoka Road, New Delhi 110001.
8. The Chief Electoral Officer Bihar, 7, Sadar Patel Marg, (Mangles Road), Patna - 800015.
9. The Union of India, through Secretary, Ministry of Law and Justice, New Delhi.

... .. Respondent/s

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Adv.
Mr. Mrigank Mauli, Adv.

For the Respondent/s : Mr. Pawan Kumar (AC to AG)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“ a. For issuance of writ in the nature of mandamus directing and commanding upon the respondent authorities to frame guidelines/rules for nomination of members in the Legislative Council to be made by the Hon'ble Governor under Article 171 (5) of Constitution of India in fair and transparent manner of persons having special knowledge or practical experience in the field of 'Literature, science, art, cooperative movement and social sciences'.

b. Any other relief or reliefs which the petitioner may be found entitled to in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following

terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All

issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.6.2021
Transmission Date	NA