

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.382 of 2022
In
Civil Writ Jurisdiction Case No.890 of 2016

Naresh Chaudhary Son of Late Shyamdeo Chaudhary, Resident of Village and P.S.-Panchobh, District-Darbhangha.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, North Block, New Delhi-110001.
2. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Director Intelligence Bureau, M.H.A. 35, S.P. Marg, New Delhi-110021.
5. The Joint Director, Intelligence Bureau, Patna Branch, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Naresh Chaudhary (In Person)
For the Respondent/s : Mr. Anshay Bahadur Mathur, CGC

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 10-11-2022

Heard Mr. Naresh Choudhary/appellant in person.

The appellant has challenged the order dated 16.12.2019 passed by a learned Single Judge of this Court in C.W.J.C. No. 890/2016 whereby his prayer for a direction to the concerned Authority for referring his case to the Hon'ble President of India for grant of Padma Award has been rejected.

It appears from the arguments advanced by the appellant as also from the order impugned in the present appeal that the



father of the appellant had served the Indian Army from 1941 to 1946 and during this period, he had served in Baghdad as well. While serving the Indian Army, he had recorded certain amusing/interesting account of the warfare and some snippets of practices followed by various countries at the war which, in the opinion of the appellant, could make for an interesting read, if those materials were weaved into a novel or a story as the case maybe.

The appellant further claims that he could lay his hands upon such notings of his late father much later and has also subscribed his own feelings on such facts. This, according to the appellant, entitles him to be considered for being granted Padma award for which he had requested the authorities of the District Administration to forward his case to the Hon'ble President of India for the needful. When that was rejected, the appellant came before this Court, where according to him, the writ petition was dismissed without affording him reasonable opportunity of presenting his cause.

He has further raised his grievance that the learned Single Judge, on the first day of the hearing and that also without calling for the view of the other side, decided the writ petition and rejected his prayer made. He has also expressed his suspicion on



the conduct of the government counsel who, for all this while, till the writ petition was pending for consideration, had taken the plea that a writ petition with such kind of relief is not maintainable in the eyes of law.

The appellant reminiscences that when the matter was first heard by one of the Hon'ble Judges of this Court (since retired), he had asked for counter affidavit to be filed in this case. In this background, the effort of the State Counsel to challenge the maintainability of the writ petition is seen by the appellant as a conspiracy to defeat his rightful claim.

He further submits that the learned Single Judge did not advert to all the materials that he was in possession of and which would have vindicated his right and claim to be granted Padma award for which his documents had necessarily to be transmitted to the Hon'ble President of India.

We have afforded hearing to the appellant for the reason that he should not have any impression in his mind that he has not been heard. We have made him understand that even if his contribution in the field of literature is otherwise found to be such which would entitle him for being considered for grant of an award but such claim could not be referred to the Award giving



Authority, as it does not fall in the domain of determination of any *lis*.

The awards are given according to the principles on which the award is based and the decision to award any person solely lies with the administrative Authority, who can only judge the suitability of the person for being awarded in any field of letter or otherwise. We have also inquired from the appellant as to his vocation in life and found out that he could not complete his education beyond graduation.

We do not find that the learned Single Judge had erred on any aspect of the matter. In fact, we find that there was great restraint on the part of the learned Single Judge in not initiating any proceeding against the appellant for contempt as contumacious statements were made by him in open Court regarding the conduct of the Court as also of the State counsel, which statements were not based on any reason whatsoever.

For the purposes of making the appellant understand his limitations, the worthlessness of his claim and the domain in which the judiciary works, he has been made to understand that his claim is not ever likely to succeed if he adopts the present process of routing it through Courts of law.



There is no reason why we should interfere with the order passed by the learned Single Judge.

The appeal is dismissed but, without any order as to costs for the reason that the appellant appears to be an old person and had been a teacher in the past.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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