

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4782 of 2023

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Sameer Darshan Son of Sri Upendra Kumar, Resident of Mohalla- Punaichak,
Police Station- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna through the Registrar General.
2. The Registrar General, Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav
For the Respondent/s : Mr.Satyabir Bharti

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Petitioner seeks direction upon the respondents to
amend the Patna High Court Officers and Staff (Recruitment,
Appointment, Promotion and other Condition of Service and
Conduct) Rules, 2021 (hereinafter referred to as “the Rules’) so
as to provide two per cent horizontal reservation to grand-son
and grand -daughter of freedom fighters.

3. It is submitted by the learned counsel for the
petitioner that Rule 10 of the Rules provides for reservation to
various category of posts in the establishment for Scheduled
Castes, Scheduled Tribes, Backward Classes and Economically
Weaker Sections of the State. It also provides horizontal
reservation for women and physically handicapped (PH)



Category. The Rule empowers the Chief Justice to make reservation for other categories, having regard to Legislative Enactments issued by the Governor of Bihar.

4. Petitioner claims to be grand-son of a freedom fighter. It is his grievance that an Advertisement No. PHC/01/2023 dated 03.02.2023 was issued by the Patna High Court inviting application for appointment to posts (Group B) and the same did not provide reservation to the grand-son grand- daughter of freedom fighters.

5. The petitioner seeks a direction for making provision for reservation to grand-son, grand daughter of freedom fighter in the advertisement dated 03.02.2023.

6. It is not the petitioner's case that any order was issued by the Chief Justice for reservation to grand-son, grand-daughter of freedom fighters. Insofar as the prayer for making such a provision in the advertisement, the same is thus misconceived and untenable. Insofar as the direction for making amendment in the Rule, this Court would find that the issue is essentially a policy matter. The petitioner has not shown with reference to any law that he has any indefeasible right by virtue of being grandson of a freedom fighter to be granted reservation.



7. This Court, therefore, finds that the petitioner has not made out any enforceable claim which can be redressed by exercising the extraordinary and discretionary writ jurisdiction of this Court under Article 226 of the Constitution of India.

8. The writ petition is dismissed.

(Madhuresh Prasad, J)

Mayank/Shyambihari

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