

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8004 of 2024

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Mukut Singh @ Mukut son of Babu Singh Resident of Village- Saidalampur,
P.O -Logadh, P.S. -Athrauli, District -Aligarh, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar, Through the Chief Secretary Government of Bihar, Patna
2. The Additional Chief Secretary General Administration Department, Government of Bihar, Patna
3. The Additional Chief Secretary, Health and Family Welfare Department, Government of Bihar, Patna
4. The Additional Chief Secretary, Social Welfare Department, Government of Bihar, Patna
5. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna
6. The Director General of Police Bihar, Patna
7. The Chairman Central Selection Board (Constable) Bihar, Patna
8. The Secretary, Central Selection Board (Constable) Bihar, Patna
9. The District Magistrate Samastipur
10. The Civil Surgeon cum Chief Medical Officer, Samastipur
11. The District Social Welfare Officer, Samastipur
12. The District Magistrate Jamui
13. The Superintendent of Police Jamui
14. Krishna Kumar son of Ganor Mandal Resident of village Kharsam, Post Office- Parsa, Police Station Hathauri, District Samastipur. At present posted as constable in Bihar Police Under the Superintendent of Police Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kundan Kumar, Advocate Mr. Amit Anand, Advocate Mr. Huzaifa, Advocate
For the State	:	Mr. Vikash Kumar, AC to AG
For Respondent Nos. 7 & 8:		Mr. Sanjay Pandey, Advocate Mr. Binod Kumar Mishra, Advocate Mr. Vivek Anand Amritesh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-07-2024

The petitioner seeks various reliefs purportedly to ensure that the disability certificates are issued properly and none who is not disabled gets the benefit of the reservation made to various posts under the Rights of Persons with Disabilities Act, 2016.

2. The petitioner, to ventilate his grievance, has spoken of only one example being the 14th respondent who is said to have been issued with a disability certificate of 40 per cent, which enabled him to be a beneficiary under the Bihar State Disability Pension Scheme (BDPS) and also obtain an appointment as a Constable in the advertisement issued by the Central Selection Board of Constables (CSBC) on 11.11.2020.

3. The general reliefs prayed for by the petitioner is only to agitate the cause against the 14th respondent who is appointed under the disability quota. It is trite that if the petitioner has an objection against the appointment of a disabled person; who is not entitled to claim such disability, necessarily appropriate authorities would have to be approached first. We also pertinently observe that the advertisement itself is of the year 2020 and there is nothing stated as to when the 14th respondent was appointed.

4. Further, the representations submitted by the petitioner,



which are produced as Annexure P-7 series, are regarding verification of disability certificates issued by the Civil Surgeon-cum-Chief Medical Officers of different districts of Bihar. The petitioner cannot invoke the jurisdiction under Article 226 to go into a roving inquiry into all the disability certificates issued.

5. We find the writ petition to be misconceived and it can be inferred that the petitioner's grievance is with respect to the 14th respondent's appointment. The petitioner has wantonly approached this Court to ventilate a private vendetta in a Public Interest Litigation, without any *bona fides*. There is also not sufficient material to substantiate the contention of improper Disability Certificates being granted by the Civil Surgeon-cum-Chief Medical Officers.

6. We find absolutely no reason to entertain the writ petition and finding the Public Interest Litigation to be agitating the cause against a single person, that too with respect of an appointment the party respondent obtained, we impose a cost of Rs. 5,000/- (five thousand) on the petitioner, payable to the Bihar State Legal Services Authority. The said amount will have to be paid within a period of two weeks, failing which the Bihar State Legal Services Authority will be entitled to proceed for recovery by taking measures similar to recovery of arrears due on land through the District Magistrate, in which event the petitioner shall also be liable for the charges incurred for making such recovery, which have to be recovered by the State.



7. Let a copy of this judgment be transmitted to the
Member Secretary, Bihar State Legal Services Authority.
8. The writ petition stands dismissed with costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	20.07.2024
Transmission Date	

