

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5621 of 2025

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Arun Vishwakarma Son of Ganga Prasad Vishwakarma, resident of village Mahadeo Simaria, P.S. Sikandara, District- Jamui, Pin 811307.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Secretary, Transport Department, Government of Bihar, Patna.
4. The Secretary, Bihar Human Right Commission, Suchana Bhawan, Bailey Road, Patna - 800005.
5. The District Magistrate, Jamui, Bihar.
6. The Superintendent of Police, Jamui, District Jamui.
7. The Accountant General (A and E), Birchand Patel Path, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jnanchandra Bhardwaj, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, A.G.
For the Accountant General	:	Mr. Binod Kumar Labh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 10-02-2026 This writ petition has been filed by the petitioner,

Arun Vishwakarma, seeking the following reliefs:-

(i) For issuance of writ of Certiorari to quash to declare it to be ultra virus, part of Letter No. 9614 dated 07.08.2024 at Serial No. 1, 2, 3 and 4 issued by the Transport Department, Government of Bihar.

(ii) And also quash part of Notification issued under Letter No. 9615, dated 07.08.2024 at Serial No. 4, issued by the Transport Department,



Government of Bihar, which is a draft proposal as apparent from its very surface of the Notification or declare it to be ultra virus.

(iii) That this application is directed for issuance of writ of Mandamus directing the Respondent No. 1 to 6 to take legal and proper action for creation of Accident Claims Tribunals under Section 165 of the Motor Vehicle Act, 1988 in every District or Mobile Accident create Claims Tribunals so that petitioner having eighty five percent (85%) physically handicapped may have access to justice.

2. A counter affidavit has been filed by Respondent No. 3, wherein, in paragraph -22, it has been stated as follows:-

"22. That it is relevant to mentioned that the Hon'ble Division Bench presided by the Hon'ble Acting Chief Justice has passed order dated-21.02.2025 in C.W.J.C. No.-480 of 2024 and other analogous matters, whereby the writ petitions have been dismissed. The Hon'ble Court has clearly held "Testing the validity of the rules of 2023 and the amendment of 2024 on this score, we have no difficulty in holding that the Tribunals so constituted provide an effective adjudicatory mechanism, which is in consonance with the provisions of Section 166 (2) of the Parent Act. Out of 38 districts, 10 Tribunals, which number could increase in future as well, clearly covers the State



of Bihar with contiguous districts falling within the territorial jurisdiction of each of the Divisional Tribunal. This does not make it any less accessible than what a litigant would expect. With the new portal having been developed and the investigative process endorsed by the Supreme Court having been introduced, the accessibility to justice has become speedier, cheaper and transparent. The process also makes it affordable.

Thus, we find that the rules of 2023 along with the amendment of 2024 are completely in consonance with the provisions contained in Section 165, 166 and 176 of the M.V. Act, 1988 as also the dictum of the Supreme Court in Gohar Mohammad (supra) and Anita Kushwaha (supra).

The challenge in these writ petitions therefore fails.

All the writ petitions are dismissed."

3. The learned Advocate General has also referred to the judgment of the Division Bench on this particular issue, which has been annexed as Annexure-R3/D, wherein relevant paragraphs namely 34, 45, and 46 are quoted herein:-

"34. It was brought to our notice that henceforth no victim or their legal representatives would have to move physically for filing their claim applications. For filing claim applications, an online portal has been developed by the State



Government for convenience of accident victims, considering their physical as well as mental conditions. Any claimant could file their claim application by using their own personal credentials. It could be filed from any place using any cyber cafe. The rules of 2023 do not infringe, in any way, the freedom of selection of claims Tribunal of its choice in accordance with the section 166 (2) of the Parent Act. They could also appear before such Tribunal virtually.

45. With respect to creating ten Tribunals, thus reducing the number from many to limited resulting in the distortion of the principle of access to justice, it needs be noticed that in Anita Kushwaha (supra), the Supreme Court has clearly held that it forms a necessary component of Article 21 of the Constitution of India. However, after having said that, the Supreme Court also formulated four facets constituting the essence of access of justice, namely, (1) the State must provide an effective adjudicatory mechanism; (2) the mechanism so provided must be reasonably accessible in terms of distance; (3) the process of adjudication must be speedy; and (4) the litigants access to adjudicatory process must be affordable.

46. Testing the validity of the rules of 2023 and the amendment of 2024 on this score, we have no difficulty in holding that the Tribunals so constituted provide an effective adjudicatory mechanism, which is in consonance with the



provisions of Section 166 (2) of the Parent Act. Out of 38 districts, 10 Tribunals, which number could increase in future as well, clearly covers the State of Bihar with contiguous districts falling within the territorial jurisdiction of each of the Divisional Tribunal. This does not make it any less accessible than what a litigant would expect. With the new portal having been developed and the investigative process endorsed by the Supreme Court having been introduced, the accessibility to justice has become speedier, cheaper and transparent. The process also makes it affordable."

4. In light of the precedent established by the Division Bench, this Court is of the considered opinion that the issues raised herein have been effectively adjudicated leaving no further triable issues in the present writ petition.

5. In view of the above, the instant writ petition stands disposed of accordingly.

(Sangam Kumar Sahoo, CJ)

(Alok Kumar Sinha, J)

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