

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15926 of 2024

Avanish Kumar S/ Late Sudhakar Prasad Sharma Resident of Mohalla-
Chanakya Colony, Industrial Area, Dighi Khurd, Hajipur, P.S.-Sadar, Dist.-
Vaishali, Pin 844101

... .. 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, Department of Transport, Government of Bihar, Patna.
4. The Secretary, Law Department, Government of Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15962 of 2024

Raj Kumar S/o-Late Tamtam Bhagat Resident of Mohalla-Rajapur, Gate No-
32, P.S-Sri Krishna Puri District-Patna, Pin-800001.

... .. 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, Department of Transport, Government of Bihar, Patna.
4. The Secretary, Law Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 15926 of 2024)

For the Petitioner/s : Mrs. Archana Sinha @ Archana Shahi

For the Respondent/s : Mr. P.K. Shahi, A.G.

(In Civil Writ Jurisdiction Case No. 15962 of 2024)

For the Petitioner/s : Mrs. Archana Sinha @ Archana Shahi

For the Respondent/s : Mr. P.K. Shahi, A.G.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-03-2026

The present writ petitions have been filed by the
petitioners, Mr. Avanish Kumar and Mr. Raj Kumar, seeking the
following reliefs:

*"(i) For holding and declaring the Bihar
Motor Vehicles Accident claim Tribunal
(Constitution and Service conditions) Rules, 2023*



published in Bihar Gazette notification dated 26.10.23 (Annexure-P/1) as illegal, arbitrary, beyond jurisdiction and ultra vires to the provisions as contained in Sec 166(2) of Motor vehicle Act, 1988.

(ii) For holding and declaring the Bihar Motor Vehicles Accident claim Tribunal (Constitution and Service conditions) (Amended) Rules, 2024 published in Bihar Gazette notification dated 28.08.24 (Annexure-P/3) as illegal, arbitrary, beyond Jurisdiction and ultra vires to the provisions as contained in Sec 166(2) of Motor vehicle Act, 1988.

(iii) For declaring one District Judge or Additional District Judge in all 38 district as dedicated Motor Accident Claims Tribunal dealing only with Motor accident related cases arising out of Motor Vehicle Act, 1988 so that Deceased Dependents and Advocates will not suffer in getting Justice.

(iv) For any other consequential relief or reliefs for which the petitioner is found entitled during course of hearing of this writ petition."

2. During the course of hearing, learned counsel for the petitioners submits that a batch of writ petitions involving similar issues had earlier been considered by this Hon'ble Court in Civil Writ Jurisdiction Case No. 480 of 2024 and analogous



cases, which were disposed of by order dated 21.02.2025.

3. It is submitted that in the said judgment, this Court held that the Rules of 2023, along with the Amendment Rules of 2024, are fully in consonance with the provisions contained in Sections 165, 166, and 176 of the Motor Vehicles Act, 1988, as well as the law laid down by the Hon’ble Supreme Court in *Gohar Ahmad vs. Uttar Pradesh State Road Transport Corporation & Others, (2023) 4 SCC 381*, and *Anita Kushwaha vs. Pushap Sudan, (2016) 8 SCC 509*.

4. Learned counsel for the petitioners has placed the aforesaid judgment on record.

5. In view of the fact that similar writ petitions have already been disposed of by this Court, the present writ petitions are also disposed of in terms of the order dated 21.02.2025 passed in C.W.J.C. No. 480 of 2024 and analogous cases.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

Neha/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.03.2026
Transmission Date	

