

(2005) 07 JH CK 0058
In the Jharkhand High Court
Case No : Writ Petition (S) No. 4575 of 2004

Anuj Ekka

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 12-07-2005

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 72(2)

Citation : (2005) 4 JCR 175

Hon'ble Judges : S.J. Mukhopadhaya, J; Amareshwar Sahay, J

Bench : Division Bench

Advocate : A. Allam, Rajiv Ranjan, for the Appellant; J.C. to G.A, for the Respondent

Judgement

1. This application has been preferred by the petitioner for issuance of an appropriate writ, order/orders, direction/directions upon the 5th respondent i.e., Inspector General (Registration), Department of Registration, Govt. of Jharkhand, Ranchi, to Immediately forward all the service records, option and representations/ objections, as already preferred by the petitioner, before the State Advisory Committee, so that the matter may be taken up and appropriate decision can be taken by the said State Advisory Committee.

2. Counsel for the petitioner while accepts that no final allocation of State has been made by the Central Government u/s 72(2) of the Bihar Re-organization Act, 2000, submits that because of wrong data shown, showing the petitioner as a member of Scheduled Caste and not forwarding all service details and the option and representation/objection, given by the petitioner, the petitioner apprehends that no proper decision can be taken by the State Advisory Committee.

3. Though the writ petition was filed by the petitioner on 31st August, 2004, after serving a copy on the counsel for the State, no affidavit has been filed either on behalf of the successor State of Bihar or -Jharkhand.

4. In the facts and circumstances, while this Court is not inclined to give any finding on the merit of the case, gives opportunity to the petitioner to bring the aforesaid facts to the notice of the competent authority, including the Inspector General (Registration), Department of Registration, Govt. of Jharkhand, Ranchi, who will take final decision in accordance with law. If no final decision has been taken by the State Advisory Committee and in terms with the Central Government's guidelines, petitioner's service details as also the option/objections/representations are to be forwarded, the authority concerned will forward the same immediately. In such case, the State Advisory Committee will decide the issue in accordance with law.

5. The writ petition stands disposed of with the aforesaid observations and directions.