
(2001) 05 JH CK 0041
In the Jharkhand High Court
Case No : CWJC No. 1921 of 2001

Bandhu Tirkey

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 08-05-2001

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 74

Jharkhand Regional Development Authority Act, 1981 — Section 3(3), 5

Citation : (2001) 05 JH CK 0041

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Sohail Anwar and Rajesh Kumar, for the Appellant; Mahesh Kumar Sinha, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—The petitioner has challenged the Notification, as contained in Memo No. 114 dated 5th May, 2001, whereby and whereunder the 4th Respondent, Bachcha Singh, Minister of State (Independent Charge), Urban Development Department, Govt. of Jharkhand, Ranchi has been appointed as Chairman, Ranchi Regional Development Authority (RRDA), by the Excellency Governor of Jharkhand, under sub-section 3(a) of Section 3 of Jharkhand Regional Development Authority Act, 1981.

2. According to the petitioner, he was appointed as chairman RRDA by the order of H.E. Governor of Bihar, vide Notification No. 758 dated 6th September, 2000 read with the amendment made, vide Notification No. 815 dated 23rd October, 2000. The petitioner since his joining given on 7th September, 2000, is functioning as Chairman, RRDA. He has challenged the impugned Notification dated 5th May, 2001 on the ground that the Respondents cannot appoint any person as Chairman of RRDA without his removal.

3. The counsel for the petitioner relied on Section 5 of Bihar Regional Development Authority Act, 1981, wherein power is vested with the Government

to remove a member of such authority by issuance of a notification. It was alleged that no notification removing the petitioner has been issued by the State and for that the petitioner has not handed over the charge.

4. Admittedly, on re-organisation of State in pursuance of Bihar Reorganisation Act, 2001, the State of Jharkhand has been created since 15th November, 2000. It appears that the said State of Jharkhand, vide its Notification No. 2/9B/103/2000, Ranchi dated 13th January, 2001, adopted the Bihar Regional Development Authority Act, 1981. Therein, the power vested in the Governor of Jharkhand to appoint a person as Chairman of RRDA u/s 3 of the said Act.

5. So far as the removal of the petitioner from the post of Chairman, RRDA is concerned, it is true that in normal course, the provision of Section 5 of Bihar Regional Development Authority Act, 1981 (now Jharkhand Regional Development Authority Act, 1981) should have been invoked. However, after reorganisation of the State, it is also open to the State/Governor of Jharkhand to pass appropriate orders in respect to any person affecting the continuance against any post or office under proviso to Section 74 of the Bihar Reorganisation Act, 2000. Such power having vested, I find no illegality in the impugned Notification dated 5th May, 2001. Said order will amount to removal of petitioner and induction of 4th Respondent, as Chairman RRDA.

6. The writ petition is dismissed.

7. Petition dismissed.