
(2014) 09 PAT CK 0065
In the Patna High Court
Case No : CWJC No. 11077 of 2014

Dinesh Kumar

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 12-09-2014

Acts Referred:

Constitution of India, 1950 — Article 233

Citation : (2014) 4 PLJR 474

Hon'ble Judges : V.N. Sinha, J;Prabhat Kumar Jha, J

Bench : Division Bench

Advocate : Pushkar Narain Shahi and Sanjeet Kumar Singh, Advocate for the Respondent

Judgement

V.N. Sinha, J.—Heard the petitioner and learned counsel for the State. Petitioner is an Advocate practicing in the High Court. He has filed this writ petition assailing the notification bearing Memo No. 1374 dated 4.3.2014 issued by the Transport Department of the State Government (Annexure-2), whereunder amongst the high dignitaries who have been provided with red beacon light on their official vehicle, Principal Additional Advocate General, Bihar has also been included amongst the dignitaries named in the notification.

2. It is submitted by the petitioner that aforesaid notification is in teeth of the order dated 10.12.2013, passed by the Supreme Court in the case of Abhay Singh vs. State of Uttar Pradesh and Others in Special Leave Petition (C) No. 25237/2010 Ed.--Reported in Abhay Singh Vs. State of Uttar Pradesh and Others, , as thereunder Supreme Court held that the State Governments and the Administration of Union Territories cannot enlarge the scope of the term "High Dignitaries" beyond what is prescribed in Clauses "c" and "d" of Notifications dated 11.1.2002 and 28.7.2005 of the Central Government.

3. It is further submitted by the petitioner with reference to the aforesaid order of the Supreme Court that Principal Additional Advocate General, Bihar being not included in the aforesaid two notifications of the Central Government could not

have been provided with a red beacon light on his official vehicle in terms of the impugned notification (Annexure-2). Petitioner also assailed the aforesaid notification (Annexure-2) on the ground that while notifying "High Dignitaries" for providing with red beacon light on the official vehicle, the State of Bihar has not included District Judge serving in the 32 judgeships of the State and this Court should not only direct for deletion of Principal Additional Advocate General, Bihar from Annexure-2 but also direct for inclusion of the District Judge serving in the 32 judgeships of the State for being provided with red beacon light on their official vehicle.

4. Counsel for the State has opposed both the prayers and submitted with reference to the averments made in Paragraphs 10 to 14 of the counter affidavit that Principal Additional Advocate General is the number-2 Legal Advisor/Law Officer of the State next to the Advocate General. His counterpart Solicitor General of India is included in notification dated 28.7.2005 as a High Dignitary for being provided with red beacon light on his official vehicle and as Principal Additional Advocate General, Bihar is his counterpart in the State he has also been included in the impugned notification.

5. As regards the other submission that District Judge is a Constitutional post and should be included in the impugned notification learned counsel for the State submitted that reference of the District Judge in Article 233 of the Constitution of India is for providing the manner of appointment on the post of District Judge. The manner of appointment on the post of District Judge, as enumerated in the said Article does not mean that the holder of the post of District Judge is holder of Constitutional post as the post of District Judge is a post in the Bihar Superior Judicial Service which is a service under the State.

6. Having heard counsel for the parties and having considered the aforesaid rival submissions, we are of the view that Principal Additional Advocate General is the number-2 Legal Advisor/Law Officer of the State, his counterpart Solicitor General of India has been included in notification dated 28.7.2005 for being provided with red beacon light on the official vehicle, as such, in our opinion, inclusion of the Principal Additional Advocate General in the impugned notification for providing red beacon light on his official vehicle is neither infraction of the aforesaid notification dated 28.7.2005 nor order dated 10.12.2013 of the Supreme Court. We do not find any illegality in the impugned notification so far it relates to inclusion of the Principal Additional Advocate General in the impugned notification (Annexure-2). The other submission that District Judge is holder of the Constitutional post is also misconceived as District Judge having been appointed on a post under Bihar Superior Judicial Service cannot be equated with the holders of the Constitutional post and have rightly not been included in the impugned notification. Having found no merit in the writ petition, same is dismissed. Before parting with this order we may note "words of appreciation" for the learned counsel who put across his submission succinctly without wasting our time.