
(2006) 01 JH CK 0025
In the Jharkhand High Court
Case No : Writ Petition (S) No. 445 of 2006

Indradeo Paswan

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 31-01-2006

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 72(2), 75

Citation : (2006) 2 JCR 81

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

Bench : Single Bench

Advocate : A. Allam, J.P. Gupta, A.S.G., N. Prasad., Ajit Kumar and Akashdeep, for the Appellant; H.K. Mehta, G.A., for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—By impugned notification dated 24th February, 2005, in exercise of power conferred by Section 72(2) of the Bihar Reorganization Act, the Central Government allocated successor State of Bihar to the petitioner.

2. In pursuance of the said notification, petitioner has been relieved by impugned notification dated 10th May, 2005 to join services in the State of Bihar. The aforesaid order, allocating the State of Bihar and relieving order have been challenged on one of the grounds that the respondents have not passed any order on the objection preferred by the petitioner nor noticed the option as was given by him. It is alleged that without application of mind and taking into consideration the post which petitioner was holding and the order of promotion, the impugned order of allocation has been issued.

3. From the enclosure attached to the writ petition, it will be evident that in terms with the Scheme of the Central Government, options were called for, from all the employees. An Advisory Committee constituted u/s 75 of the Bihar Reorganization Act, taking into consideration the relevant datas placed by the Departments and the options given by one or other employees, recommended

the names of persons for allocation to one or other State, commonly known as Tentative Final List. Thereafter, objections were called for and on receipt of the same, the Central Government issued final Notification u/s 72(2) of the Bihar Reorganization Act, 2000.

4. There is no guideline brought on the record to suggest that each objection to be disposed of by reasoned order. Thereby, the petitioner cannot claim that a reasoned rejection order is required to be issued.

5. Similar issue, fell for consideration before a Division Bench of this Court in the case of *Praksh Chandra Sinha and Ors. v. Union of India and Ors.* reported in 2003 (4) JCR 165.

6. Having noticed such submissions, the Division Bench of this Court refused to interfere with the order of allocation and it was observed that even if there is some infirmity, the Court should not interfere with such order of allocation of States.

7. Similar view was taken by the Division Bench in the case of *Priya Barata Narain Singh Vs. Union of India (UOI) and Others*, .

8. So far -as status of petitioner is concerned, if he has been wrongly shown as Deputy Director (Mines), but actually has been promoted by the State of Bihar as Additional Director, it will be open to him to bring the matter to the notice of the Competent Authority at the time of his posting. But that cannot be a ground to interfere with the order of allocation.

9. There being no merit, the writ petition is dismissed.