
(2007) 02 PAT CK 0193
In the Patna High Court
Case No : CWJC No. 7261 of 2006

Pratima Kumari

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 02-02-2007

Acts Referred:

Citation : (2007) 2 PLJR 211

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Advocate : Krishna Kant Singh, Sanjay Kumar, for the Appellant; Uma Shanker, for the Respondent

Final Decision : Allowed

Judgement

Barin Ghosh, J.—Heard both the parties. At the time of bifurcation of the State of Bihar, petitioner was working at University Employment Information and Guidance Bureau, Muzaffarpur. The Controlling Officer of the petitioner prepared a list of employees under him. While preparing the said list, the Controlling Officer had indicated therein as to which employee wants to be posted in which State. In the list, it was indicated that the petitioner desires to be posted in the State of Bihar. The fact, however, remains that the petitioner did not give any option as she was required to give indicating that she wants to be posted in the State of Bihar.

2. Subsequent thereto a tentative list was prepared allocating employees under the said Controlling Officer to be allotted State of Bihar as well as the State of Jharkhand. In that, it was indicated that it has been tentatively decided that the petitioner shall be allocated to the State of Jharkhand.

3. At this stage, admittedly, the petitioner filed an objection and thereby contended that she wants to be allocated to the State of Bihar.

4. There is no dispute that the petitioner, being a women employee, is in the special category and it is also not disputed that whoever is in special category, as

a matter of course, he shall be allocated to such State, which he has opted to be allocated.

5. The question is whether this option could be given while filing the objection to the tentative list, inasmuch as no option was given when the same could be given.

6. A learned Single Judge of this Court in C.W.J.C. No. 4740 of 2006 was faced with a similar question and answered the same by a judgment and order dated 23rd August, 2006, where it was held that when a person belonging to the special category, seeks an allocation by filing an objection, he should be allocated that State, which he had indicated in his objection despite no option having been filed by him. No appeal has been preferred against the said judgment and order rendered in the said writ petition. The ratio decidendi of that judgment is binding upon me.

7. In those circumstances, the writ petition is allowed and the order contained in annexure nos. 5, 6 and 7 to the writ petition to the extent the same directed allocation of the petitioner to the State of Jharkhand are quashed and the respondents are directed to allocate the petitioner to the State of Bihar. It is clarified that having regard to what has been stated above, the petitioner remained in Bihar all throughout. This disposes of the writ petition.