

IN THE HIGH COURT OF JUDICATURE AT PATNA
C. REV. No.3 of 2009
BIHAR PUBLIC SERVICE COMMISSION & ORS .
Versus
THE STATE OF BIHAR & ORS .

For the Petitioners: Ashok Kumar Choudhary, Adv.
For the State : Rajesh Kumar Singh, Adv.
For respondent Nos.1 & 2 : Asstt. Counsel to A.A.G.-2.
For respondent Nos.4 to 6: Satish Chandra Mishra, Adv.

8/ 15/09/2010

Heard learned counsel for the petitioners Bihar Public Service Commission, the State of Bihar and for Opposite party Nos. 4 and 5, petitioners in original writ application.

In CWJC No.7594 of 2000 the petitioner Commission had itself consented for examination of the original records by the Department of Personnel and Administrative Reforms, Government of Bihar. LPA No.518 of 2008 was dismissed. The order dated 14.07.2008 of the Letters Patent Appeal does reflect that any challenge was made to the direction for examination of the records by the Department of Personnel and Administrative Reforms, Government of Bihar passed on a consent given by the Commission itself. The Division Bench at paragraph 5 noticed as follows:-

“5. In our considered view, the Commission could have avoided multiplying the litigation by not filing this appeal.”

The Commission approached the Supreme

Court in SLP (Civil) No. 26944 of 2008 then raising an objection for alternative arrangement for examination of records other than the Department of Personnel and Administrative Reforms, Government of Bihar contrary to its own concession made. The Supreme Court on 21.11.2008 observed that the Commission may place an alternative proposal when it is expected that, it being a constitutional authority, the High Court shall consider its request and pass appropriate orders. It is not in controversy at all that the Commission consists of functionaries of the State Government for its day-to-day functions. Yet the Commission has objection to examination of the records by the State officials.

Be that as it may, counsel for the parties are agreed, more particularly consent is specifically given on behalf of the Commission after full appreciation of the queries put by the Court that it has no objection whatsoever to the issue being examined by Sri R.J.M. Pillai, the retired Chief Secretary of the State of Bihar and who is also presently the Chairman of the Commission.

This Court requests Sri Pillai to examine the necessary records not as a functionary of the Commission, but on the trust placed in him by the Court. This examination is requested to be done by him at any

location or place of his convenience and not in the office of the Commission. The officers of the Commission as a command of this Court are directed to place before him all necessary materials not only what they deem fit and proper, but whatever is asked for by Sri Pillai. Withholding of information by the Commission, as may be sought for by Mr. Pillai, shall be viewed very seriously by this Court.

Learned counsel for the Commission submits that no sooner that Sri Pillai submits his report to the Commission in his personal capacity, the Commission shall forthwith without any delay take necessary consequential steps to rectify matters in accordance with law.

A copy of the report of Shri Pillai shall also be forwarded to the Vigilance Department by him for appropriate action in accordance with law, as may be necessary.

I.A. No. 7653 of 2010 and 7858 of 2010 have been preferred by those who claim to have been selected.

This Court does not consider it prudent to entertain any application for intervention in this review application for reason of the limited scope of the review application confined to the directions of the Supreme Court in SLP (Civil) No.26944 of 2008.

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The Intervention Applications are dismissed.
The Review Application stands disposed.

KC

sf (Navin Sinha, J.)

TC

Mr. Sinha
P. A. 17.9.20.

