

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5542 of 2023

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Youth For Equality & Ors.

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 4624 of 2023

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Sh. Akhilesh Kumar

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 4650 of 2023

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EK SOCH EK PRAYAS

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 6505 of 2023

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Reshma Prasad

... .. Petitioner/s

Versus

State of Bihar & Ors.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 6506 of 2023

Ms. Muskan Kumari

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 5542 of 2023)

For the Petitioner/s : Mr. Aprajita Singh, Sr. Advocate
Mr. Abhinav Shrivastava, Advocate
Mr. Dhananjay Kumar Tiwary, Advocate
Mr. Krishna Murari, Advocate
Mr. Raushan, Advocate
Mr. Pushkar Bharadwaj, Advocate
Mr. Rudrank Shivam Singh, Advocate

For the Respondent-State : Mr. P.K. Shai, Advocate General
Mr. Anjani Kumar, AAG-4
Mr. Sanjiv Kumar, AC to AG

(In Civil Writ Jurisdiction Case No. 4624 of 2023)

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Ms. Ritika Rani, Advocate
Mr. Vardaan Mangalam, Advocate
For the State : Mr. P.K. Shahi, Advocate General
For the U.O.I. : Ms. Kalpana, Advocate

(In Civil Writ Jurisdiction Case No. 4650 of 2023)

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate
Mr. Yadunandan Bensal, Advocate
Mr. Upendra Kumar, Advocate
For the Respondent/s : Mr. Additional Solicitor General

(In Civil Writ Jurisdiction Case No. 6505 of 2023)

For the Petitioner/s : Mr. Sachina, Advocate



For the Respondent/s : Mr. P.K. Shahi, Advocate General
(In Civil Writ Jurisdiction Case No. 6506 of 2023)

For the Petitioner/s : Mr. M.P. Dixit, Adv.
Mr. S.K.Dixit, Adv.
Mr. Sanjay Kumar Chaubey, Adv.
Ms. Swastika, Adv.

For the Respondent/s : Mr. P.K. Shahi, Advocate General

For the U.O.I. : Mr. Dr. K. N. Singh, ASG
Mr. Uma Shankar Verma, Sr. Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

7 09-05-2023 Ref. :- Interlocutory Application No. 02 of 2023

These matters have been listed under the heading FOR ORDERS (ON PETITIONS)-I on the mentioning slip being filed on behalf of the respondent-State. The application is for early hearing.

The learned Advocate General submits that in effect the interim order passed is a final order, especially, when this Court has held that there is no legislative power on the State to go ahead with the caste-based survey. The contention is that while passing an interim order, the final dispute should not have been adjudicated. In fact, we have posted the matters for final hearing on the 03.07.2023.

The petitioners had approached the Hon'ble Supreme Court contending that a final hearing would frustrate their cause



and that it would take time for the final hearing to be carried out and judgment passed. The Hon'ble Supreme Court directed that if a petition for interim stay is filed, the same should be heard within three days. A petition was filed on 29.04.2023. We directed the petition to be peremptorily posted on 01.05.2023. Both parties sought for adjournment for a day, for hearing; the matter was heard on the 02.05.2023 and 03.05.2023 and the interim order was passed wherein, *prima facie*, findings were entered into and the 'Caste-based Survey' stayed. We have not set-aside the entire survey carried out, which was stated to be completed to the extent of 80%. We only stayed the further survey and also stayed dissemination of the information collected, to the political parties, as has been indicated in the very notification itself. This is not in final disposal of the matter and we are sure that we are open to conviction, when the matter is heard finally, for which we have posted it on 03.07.2023.

In such circumstances, we do not find any reason to advance the hearing to an early date, especially when the matter is posted immediately after the vacation.

Learned Advocate General then submitted that they may be permitted to continue the survey with an undertaking that the data would be protected and that the same would not be



disclosed. If we do that, we will be reviewing the order passed,
which is not permissible in a petition for early hearing.

I.A. No. 2 of 2023 for early hearing stands rejected.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Raj kishore,
Shyam Bihari/-

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