

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1982 of 2000

Asharfi Paswan, son of Sri Baleshwar Paswan, resident of Village Jiwanpatti, P.S. Bahadurpur, Dist. Barbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner-cum-Secretary, Information and Public Relation Department, Government of Bihar, Patna.
3. The Director General, Information and Public Relation Department, Government of Bihar, Patna.
4. The Director, Information and Public Relation Department, Government of Bihar, Patna.
5. The Under Secretary, Information and Public Relation Department, Government of Bihar, Patna.
6. Yogendra Prasad, son of not known to the petitioner, at present posted as "Nayak" Divisional Public Relation Unit, Patna.
7. Satya Narain Raut, son of not known to the petitioner, at present posted as "Nayak", Information and Public Relation Department, Govt. of Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Sudhir Kumar, AC to AAG2

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 01-04-2015

No one appears for the petitioner.

The prayer of the petitioner in this writ application when it was filed on 22.2.2000 had read as follows:-

- “(i) For issuance of a writ in the nature of certiorari quashing the final seniority list as contained in Memo No. 1916 dated 10.8.96 (Annexure-8) whereby and where under the petitioner has been placed at lower position than that of respondent no.6 and 7, issued under the signature of respondent no.3.
- (ii) For issuance of a further writ in the nature of certiorari quashing the office orders as contained in

memo no. 65 and 66 dated 10.2.99 (Annexure-11 and 12) by which letter as contained in memo no. 807 dated 15.5.98 (nnexure-10) has been cancelled and respondent no.6 and 7 has been placed senior to that of petitioner.”

From the materials on record, it would now transpire that both the petitioner as also the private respondent nos. 6 & 7 have already retired from service and, therefore, no useful purpose will be served in deciding the inter-se seniority amongst them specially when the official respondents have also justified granting of such seniority to the respondent no.6 and 7 vis-à-vis the petitioner by explaining their entry in the service on the same post and in the same cadre in the following terms-

"7. *That in reply to the statements made in paragraph no.5 of the writ petition, it is submitted that the date of joining of the petitioner in the cadre of Artist Class II is 2.7.1973 whereas the date of joining of respondent no.6 is the cadre of member Mod. Mandali is 5.6.1973 and the date of joining of respondent no.7 is 11.6.1973 is the same cadre. The pay scale of the cadre of Artist Class II and Member Mod. Mandali was Rs. 230-340 at that relevant point of time."*

Once this aspect becomes clear that the respondent nos. 6 & 7 had entered in service prior to the petitioner, the revision of seniority list sometime by placing the petitioner above the private respondents and ultimately reversing those decisions by issuing the impugned gradation list ranking respondent nos. 6 & 7 to be senior to

the petitioner cannot be held to be bad either on fact or in law.

Be that as it may, by efflux of time, this writ application, on account of retirement of the petitioner and respondent no.7, has now become academic, if not already infructuous.

Let it be noted that the writ application against the respondent no.6 has already stood withdrawn on account of the respondent no.6 being deleted as a respondent at the risk of the petitioner. Thus, for the same seniority list, as the respondent no.6 has become perfect, the seniority of the respondent no.7 vis-à-vis petitioner also cannot be disturbed.

Thus, for all these reasons, this Court is not inclined to interfere with the seniority of the petitioner vis-à-vis respondent nos. 6 & 7.

This application is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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