

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9184 of 1999

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1. Ram Nandan Paswan, son of Late Gulzar Paswan, resident of Indrapuri, PS Pataliputra Colony, District Patna

.... Petitioner/s

Versus

1. The Bihar State Forest Development Corporation Limited through its Managing Director having office in 13 Pataliputra Colony, P.S. Pataliputra District Patna.
 2. Chief Conservator of Forests cum Managing Director, Bihar State Forest Development Corporation, Patliputra Colony Patna
 3. Hari Narain Prasad Singh
 4. I.D. Singh
 5. Raghu Nandan Lal Das
 6. Anil Kumar Sinha
 7. Vishwanath Jha
 8. Fauzdar Verma
- Respondent nos. 3 to 8 are working as Assistant in the office of Bihar State Forest Development Corporation Ltd, 13 Pataliputra Colony P.s. Pataliputra, District Panta
9. Bureau of Public Enterprises, Bihar Patna
 10. State of Bihar through Commissioner cum Secretary to the Government of Bihar in the Department of Forest and Environment, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. A.B.Ojha & Mr. Bharat Bhushan
For the Respondent/s :	Mr. Sunil Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 05-05-2015

1. I have heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the respondents.
2. The petitioner in the present writ application has

sought for a declaration that he should be treated to be senior to Respondent Nos. 3 to 8, complying with the law governing the reservation in posts and on the basis of roster decided for the persons belonging to Scheduled Castes category.

3. It is his claim that he belongs to Scheduled Caste category and was appointed as an Assistant on the basis of an advertisement issued in the year 1975. After following the process of selection, the petitioner and other persons were appointed as Typist in the scale of Rs. 220-315/-.

4. In paragraph 7 of the writ application, it is stated that in the year 1978 the petitioner detected that the rule governing the roster for Scheduled Caste and the quota for such reservation was not adhered to, and despite the fact that the petitioner deserved second post in the panel which was earmarked for Scheduled Caste, he was placed at the bottom of the list. According to him, he also found in the year 1978 itself that scale of Rs. 244-296 was prescribed for the post of Typist in the Circle Office where he was posted but he was placed in the scale of Rs. 220-315/-. He is said to have made representation on 21.11.1978, making a request to the authorities to assign him proper position in the panel according to roster in the scale of Rs. 244-396/-. His representation, though favourably forwarded by the Project Director, was not finally disposed of.



5. This is his further plea that persons junior to the petitioner i.e. Raghu Nandan Lal Das, Anil Kumar Sinha, Vishwanath Jha, I.D. Singh and Hari Narain Prasad Singh(Respondents No. 5,6,7,4, and 3) respectively, were upgraded in the scale of Rs. 296-460/- with effect from 1.4.1977, whereas the petitioner was left in the scale of Rs. 220- 315/-. However, the said scale was given to him subsequently with effect from 24.11.1981 but not with effect from 1.3.1977.

6. The petitioner is said to have again filed representations in the years 1983, 1985 and 1986, claiming his seniority on the basis of his status as Scheduled Caste. In the meanwhile, the respondent no.5 came to be promoted as Head Typist. No date has been given, however, from which the said respondent no.5 was given promotion as Head Typist. It has further been asserted that the respondent Bihar Forest Development Corporation Ltd. placed the petitioner in the scale of Rs. 710-1210/- with effect from issue of letter dated 18.11.1988.

7. He has given details in paragraph 15 of the writ application to make out a case as to how he had been discriminated as against the private respondent. It appears from the pleadings in the writ application that though the petitioner had grievance against the respondent Corporation as well as the Private respondent right from



the year 1978, apart from filing of certain representations, the petitioner did not do anything and only in the year 1998 he approached the National Commission for Scheduled Caste and Scheduled Tribe. The outcome of the petitioner's representations before National Commission for Scheduled Caste and Scheduled Tribe has not been brought on record, nor any statement has been made in this regard.

8. A detailed counter affidavit has been filed on behalf of the respondent- Bihar State Forest Development Corporation, stating therein that on the basis of marks secured by the individual candidates in the process of selection, a merit list was prepared where the petitioner's name was placed at the bottom. He was selected by giving him benefit of reservation as he belonged to Scheduled Caste category. It has been stated in the counter affidavit, and rightly so, that the petitioner, on the ground that he belonged to Scheduled Caste category was not entitled for higher pay than others in the said list. Dealing with the petitioner's grievance against non consideration of his case and grant of higher scale to others, it has been stated in the counter affidavit that the others were given promotion on the basis of their respective seniority and merit.

9. At the first place, I am not inclined to entertain this writ application filed in the year 1999 raising grievance relating to the

years 1978, 1983 and 1986. Writ petition filed at such belated stage in my opinion cannot be entertained.

10. Further, I do not find any pleading in writ petition nor any point in the submission made on behalf of the petitioner in course of hearing on the basis of which it can be concluded that the petitioner had any right to be promoted on a particular post with higher pay scale on the ground of him belonging to Scheduled Caste category.

11. I do not find any merit in this application. This application is accordingly, dismissed.

12. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

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