

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1019 of 2015

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1. M/s Usha Saw Mill, Simarkaul-Rajauli, P.S. Rajauli, District - Nawada a Proprietorship firm through its Proprietor Usha Devi, wife of Sri Shankar Mistry, resident of village - Simarkaul-Rajauli, P.S. Rajauli, District – Nawada.
 2. M/s Rajesh Timber, Rajauli, P.S. Rajauli, District- Nawada a Proprietorship firm through its Power of Attorney Holder Chote Lal Mistry, son of Late Sukhdeo Mistry, resident of village - Rajauli, P.S. Rajauli, District – Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna.
3. The Commissioner -cum- Chairman, Selection Committee of Saw Mills, Gaya Division, Gaya.
4. The Conservator of Forest, Gaya Circle, Gaya.
5. The Divisional Forest Officer, Nawada Forest Division, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry
Mr. Sanjay Kumar

For the Respondent/s : Mr. Sanjay Kumar Ojha, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-04-2015

Learned counsel for the parties are present.

The two petitioners are aggrieved by the non-inclusion of their saw mills in the seniority list of saw mills prepared by the Selection Committee for the district of Nawada in the light of the provisions underlying Resolution No.2675 dated 30.8.2010 of the Department of Environment and Forest, Government of Bihar.

According to the petitioners, their non-inclusion is contrary to the recommendations of the Central Empowered

Committee as well as the orders of the Supreme Court passed in this regard.

The Resolution No.2675 dated 30.8.2010, a copy of which is placed at Annexure-A to the counter affidavit, provides for a remedy of appeal to a party aggrieved by non-inclusion of his name in the seniority list and which appeal lies before the District and Sessions Judge to be filed within 30 days of such decision.

Having heard learned counsel for the parties and taking note of the alternative remedy of appeal provided under Resolution No.2675 dated 30.8.2010, this writ petition is disposed of with a liberty to the petitioners to take recourse to such remedy and any appeal being filed within a month from today would be treated to be filed within the prescribed period and the same shall be considered and disposed of by the appellate authority in accordance with law and after giving opportunity of hearing to the petitioners.

(Jyoti Saran, J)

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