

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1400 of 1999

1. The Bihar Baigyanic Seva Sangh through its President, namely, Shashi Bhushan Prasad son of late Shiv Prasad resident of Nala Road, Kadam Kuan, Patna

2. Braj Bhushan Tiwari, son of late Ramashraya Tiwari, Assistant Research Officer, Irrigation Research Institute, Khagaul, Patna

.... Petitioner/s

Versus

1. The State of Bihar through the under Secretary, Water Resources Department, Bihar, Patna

2. The Secretary, Department of Water Resources, Bihar Patna

3. The Engineer-in-Chief cum-Additional Commissioner No.1, Water Resources Department, Government of Bihar, Patna

4. The Chief Engineer, Research and Training Irrigation Research Institute Khagaul, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Zakir Haider, AC to GA-6

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

CAV JUDGMENT

Date: 03-07-2015

1. An order dated 20.08.1998 issued by the Water Resources Department, Government of Bihar, Patna, whereby, gradation list of Assistant Research Officers, in the Department has been prepared, is under challenge in the present writ application filed by Bihar Baigyanic Seva Sangh through its President Shashi Bhushan Prasad and one Braj Bhushan Tiwari, an Assistant Research Officers of Irrigation Research Institute, Khagaul, Patna. The petitioners have sought a direction from the Court to prepare and publish a separate

gradation list of the Assistant Research Officers of Irrigation Institute, Khagaul who, according to them, is a distinct and separate cadre from the cadre of Assistant Research Officers belonging to field establishments, under the Irrigation Department.

2. It is their case that the Irrigation Department has got two sets of Research Assistants. The first set consists such Research Assistants who belong to Irrigation Research Institute situated at Khagaul and the second set comprises Research Assistants belonging to field establishment, where no research work is involved, except Routine Soil Test etc.

3. From an order dated 05.07.1999 passed in this case, it appears that 55 persons were promoted on the basis of said gradation list in the year 1999 itself, during the pendency of the writ application. When this fact was brought to the notice of this Court, this Court observed in its order dated 05.07.1999 that it was open to the petitioners to challenge the said promotion by filing Interlocutory Application in accordance with law. The promotions, granted on the basis of the said gradation list, quashing of which have been sought for in the present writ application, has not been challenged by the petitioners till date, despite the said observations made by this Court dated 05.07.1999 nearly sixteen years ago. The persons who have been given promotions on the basis of the said gradation list are not

parties in the present proceedings.

4. In my opinion, the present writ application has become infructuous for all practical purposes, as no purpose is going to be served by entering into the dispute as regards correctness of a gradation list, where all persons, whose names figured in the said gradation list, have retired several years ago and there is no challenge to promotion granted to the persons on the basis of the said gradation list. From the dates of birth mentioned against the names of the persons who figure in the gradation list under challenge, it appears that all of them attained the age of superannuation several years ago.

5. This writ application is thus, dismissed as no relief as sought for in the present writ application can be granted.

6. There shall be no order as to costs.

(Chakradhari Sharan Singh, J)

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