

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2925 of 1999

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Shatrughan Prasad Singh, son of Late Ranjit Singh, at present working
as Executive Engineer, Bihar State Housing Board, Design and
Planning Section, Patna

.... Petitioner/s

Versus

1. The State of Bihar through its Commissioner-cum-Secretary,
Building and Housing Department Nirman Bhawan, Patna, Bihar
2. The Managing Director, Bihar State Housing Board, 6, Mangles
Road, Patna
3. The Secretary, Bihar State Housing Board, 6, Mangles Road, Patna
4. Bihar State Housing Board, 6, Mangles Road, Patna through its
Secretary
5. Bihar Public Service Commission through its Chairman 15 Bailey
Road, Patna

----- Respondents Ist Set.

6. Sri Shankar Prasad Dokania, Executive Engineer (I/C) Bihar State
Housing Board Harmu Rani. At & PO Harmu Ranchi.
7. Sri Chandeshwar Prasad Yadav, Executive Engineer (I/C) Bihar
State Housing, Dhanbad Division Dhanbad, P.O. Hirapur, Dhanbad
8. Sri Krishna Kumar Dokania, Executive Engineer (I/C) Bihar State
Housing Board, P.H. Division Bahadurpur, Patna PO Lohia Nagar,
Patna
9. Sri Awadesh, Executive Engineer (I/C) Bihar State Housing Board,
Design & Planning Patna, 6 Mangles Road, Patna
10. Sri Dewakar Singh, Executive Engineer (I/C) Bihar State Housing
Board, Muzaffarpur Division P.O. Damodarpur, Muzaffarpur
11. Sri Jagdish Jha, Executive engineer (I/C) Bihar State Housing
Board Hazaribagh

All Assistant Engineers and Officiating Executive
Engineers C/O Bihar State Housing Board, through the Secretary
Mangles Road, Patna

12. Sri Deo Sundar Paswan, Chief engineer (I/C) Bihar State Housing
Board & Mangles Road, Patna

..... Respondents 2nd set.

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Appearance :

For the Petitioner/s : Mr. Brij Mohan Kumar Singh

For the Respondent/s : Mr. Suresh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 03-04-2015

1. The petitioner is aggrieved by notification No. 4570 dated 10.9.1996 issued by the Bihar State Housing Board, whereby, the petitioner's seniority as Assistant Engineer (7), in the Board has been fixed at serial no.13.

2. It is the petitioner's plea that a seniority list was prepared in the light of a decision of the Supreme Court dated 02.02.1995 in Civil Appeal No. 4410 of 1985 (Sri Abhai Krishna Sharma & other vs. Bihar State Housing Board & other) on 16.1.1998 (Annexure-3) wherein, the petitioner was placed at serial no.6.

3. It is his plea that since the seniority list was prepared on the basis of the Supreme Court decision, it could not have been altered.

4. Firstly, I am of the view that there was no direction by the Supreme Court to the effect that the petitioner would be placed at particular position in the said seniority list. The Supreme Court, however, in the judgment specifically mentioned with respect to Birbhanjan Singh, Anisun Nabi, K.M. Thomas, Abhai Krishna Sharma and Krishna Kumar Lal, to be at serial nos. 1,2,3,4 and 5 of the seniority list. They were respondent Nos. 3,4,6,1 and 2, respectively before the Supreme Court in Civil Appeal No. 1410 of 1985. Fixing seniority up to serial No.5, the Supreme Court



mentioned “other remaining respondents.” The petitioner was also respondent before the Supreme Court as Respondent no.5. It appears that in the light of the order of the Supreme Court, the Board fixed seniority of the said respondent Nos. 3,4,6,1 and 2 before the Supreme Court at serial Nos.1,2,3,4 and 5 and with respect to other respondents the Board prepared the list on the basis of party position before the Supreme court. The Board, however, subsequently prepared seniority list drawn on the basis of length of service. Apparently, the seniority position of the Assistant Engineers came to be altered and the petitioner has been placed at serial no.13. His date of continuance of officiation as an Assistant Engineer is admittedly 05.04.1979.

5. I have compared Annexure-5 which is the seniority list against which the petitioner has grievance and the seniority list which has been drawn on the basis of length of service which is part of Annexure-4 series at page 29. I find that none of the persons, who have been placed above in the seniority list as contained in notification dated 10.9.1996 have their dates of joining, subsequent to the petitioner. This aspect cannot be disputed even by the learned counsel for the petitioner. All persons placed above the petitioner in the notification dated 10.9.1996 had joined the post of Assistant Engineers prior to 5.4.1975 when the

petitioner had joined. In such circumstance, I do not find any infirmity in the seniority list.

6. Learned counsel appearing on behalf of the petitioner has submitted that before altering the petitioner's seniority position, no notice was given to him and therefore, the decision altering the petitioner's seniority position, having civil consequences is in violation of principle of natural justice. Since on the basis of undisputed facts which are there on record it can be easily seen, on the basis of the respective dates of officiation of the persons as Assistant Engineers that the seniority position of the petitioner has rightly fixed, I do not feel inclined to interfere in the matter.

8. This application is accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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