

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1536 of 2014

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1. Dineshwar Prasad Singh son of Braj Nandan Singh, resident of Magadh Niketan, Road No. 6, Rajeev Nagar, P.S. Patliputra, District-Patna, presently posted as Superintending Engineer, Public Health Engineering Circle, Patna.
 2. Nikhilendu Nikhil, son of Late L.N. Mandal, resident of Flat No. A-302, Hope Chandra Apartment, Nehru Nagar, P.S. Patliputra, District- Patna, presently posted as Superintending Engineer, Technical Examiner's Cell, Vigilance Department, Govt. of Bihar, Patna
 3. Satish Chandra Mishra, son of Late Nandishwar Mishra, G-78, People's Cooperative Colony, Kankarbagh, Patna - 2, presently posted as Special Officer, Public Health Engineering Department, Govt. of Bihar, Patna
 4. Ameer Ranjan, son of Late Raj Mangal Prasad, resident of Flat No. 201, Udaiman Apartment, Boring Road, P.S. Sri Krishnapuri, Patna - 13, presently posted as Superintending Engineer, Public Health Engineering Circle, Sasaram

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, SC/ST Welfare Department, Govt. of Bihar, Patna.
4. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
5. Birendra Kumar son of not known, presently posted as Chief Engineer (Urban) , Public Health Engineering Department, Govt. of Bihar, Patna.
6. Arbind Kumar son of not known, presently posted as Chief Engineer (Design), Public Health Engineering Department, Govt. of Bihar, Patna.
7. Sri Kant Singh son of not known, Chief Engineer, Public Health Engineering Department, Purnea Zone, Town Purnea, District -Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAMA KANT SHARMA, SR. ADVOCATE
Mr. LAKSHMI KANT SHARMA

For the Respondent State: Mr. Manish Kumar No.3, AC to SC6

For Respondents 5 & 6 : Mr. Rupak Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-10-2015

Writ application was filed by the petitioners for quashing

Resolution No. 11635 dated 21.8.2012, issued by the General

Administration Department, Government of Bihar, by virtue of which benefit of reservation was continued with consequential seniority in promotion to employees belonging to the Scheduled Caste and Scheduled Tribe category.

Earlier when this writ application was taken up, matter was adjourned awaiting disposal of CWJC No. 19114 of 2012, which too had challenged the said resolution of the State. Since then decision of the learned Single Judge quashing the said resolution has been rendered, which has been reported in **2015 (2) PLJR 844** and that judgment of the learned Single Judge has been upheld by a Division Bench in a case reported in **2015 (3) PLJR 593**.

In addition to that, learned senior counsel for the petitioners also draws the attention of this Court to a decision rendered by the Apex Court dated 27th July, 2015 in **Civil Appeal No(s). 6631-6632 of 2015** and other analogous cases, which has expressed similar kind of view as expressed by the learned Single Judge and the Division Bench of this Court.

In view of the same, writ application is allowed.

Respondent State authorities are directed to do the needful with regard to grant of seniority in promotion by revising the earlier gradation list which stands quashed and is not in existence. The exercise in this regard must be done by the respondent State within a

period of four months from the date of production of a copy of this order.



R.K.Pathak/-

(Ajay Kumar Tripathi, J)

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