

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.913 of 2016

In

C. REV. 166 of 2015

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The Subordinate Engineers Association Bihar, Amarnath Path, Adalatganj,
P.O. - G.P.O., P.S. - Kotwali, District – Patna, through its General
Secretary, Sri Brij Kishore Prasad Yadav.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, New Secretariat, Patna.
2. Commissioner and Secretary, Road Construction Department, Government of Bihar, Vishwashwaraiya Bhawan, Patna.
3. Commissioner and Secretary, Water Resources Department, Government of Bihar, Sichai Bhawan, Patna.
4. Commissioner and Secretary, P.H.E.D., Government of Bihar, Bailey Road, Patna.
5. Chairman, Bihar Public Service Commission, Patna.
6. Secretary, Law Department, Bihar, Patna.
7. Joint Secretary, Road Construction Department, Government of Bihar, Patna.
8. Special Officer-cum-Deputy Secretary, Road Construction Department, Government of Bihar, Patna.
9. The Bihar Engineering Services Association, Abhiyanta Bhawan, Jai Prakash Path, Boring Road, Patna through its General Secretary.
10. Rajeshwar Mishra, Son of Late Kapil Deo Mishra, Abhiyanta Bhawan, Jai Prakash Path, Boring Road, Patna and General Secretary of Bihar Engineering Services Association.
11. Nawal Kishore Prasad, Son of Late Muneshwar Prasad, resident of Mahnar, P.S. Mahnar, District - Vaishali.
12. Birendra Kumar, Son of Sri Sidheshwari Prasad, resident of Juran Chapra Road No. - 3, P.S. - Brahmpura, District - Muzaffarpur.
13. Jagat Bihari Prasad, Son of Phanidhar Prasad, resident of Village - Makwa, P.S. - Tarapur, District - Munger.
14. Janardan Prasad Sinha, Son of Sri Sachida Nand Prasad, resident of P.C. Colony, A/227, P.S. Kankarbagh, District - Patna.
15. Shri Yogendra Harizan, Son of not known. Presently posted as Technical Advisor (Executive Engineer) in Central Road Circle, Patna.
16. Shri Bhikhari Ram, Son of not Known. Presently posted as Executive Engineer in Building Design Circle, Patna.
17. Shri Hiralal Ram, Son of not known. Presently posted as District Engineer, District Board, Purnea, holding Additional Charge of Superintending Engineer, R.E.O., Works Circle, Saharsa.
18. Shri Chandradeo Ram, Son of not known. Presently posted as District Engineer, District Board, Purnea Holding Additional Charge of Superintending Engineer, R.E.O., Works Circle, Saharsa.
19. Shri Ram Prasad Son of not known Presently poseted as Technical Advisor (Executive Engineer) National Highway Circle, Purnea Holding Additional Charge of Superintending Engineer of Road, Road Construction Department, Purnea.
20. Shri Anup Prasad Razak Son of not known Presently posted as

Technical Advisor (Executive Engineer) Building Construction Circle, Punrea Holding Additional Charge of Superintending Engineer, Building Construction Circle, Chapra.

21. Shri Mahesh Choudhary Son of not known Presently posted as Executive Engineer, Building Construction Division, Supaul.

22. Shri Sheo Janama Ram Son of not known Presently posted as Executive Engineer, Building Construction Division, Araria.

23. Shri Om Prakash Prasad Son of not known Presently Suspended as Executive Engineer in Road Construction Department, through Secretary, Road Construction Department.

24. Shri Radhe Baitha Son of not known Presently posted as Advance Planning Building Division, Patna.

25. Sri Dinanath Choudhary son of not known Presently posted as Technical Advisor (Executive Engineer), Magadh Road Circle, Gaya.

26. Sri Achche Lal Ram son of not known presently posted as Executive Engineer in REO Works Division, Kisanganj.

27. Sri Raghunandan Choudhary son of not known presently posted as Executive Engineer in Road Division No. 1, Road Construction Department, Gaya.

28. Sri Amawash Ram son of not known presently posted as Executive Engineer Road Construction Department, Road Division, Aurangabad.

29. Sri Shivendra Rai son of not known presently posted as Executive Engineer Road Construction Department, Road Division, Katihar.

30. Sri Bechan Ram son of not known presently posted as Executive Engineer Monitoring in Bhagalpur Road Circle, Ara.

31. Sri Vishnu Ram son of not known presently posted as Executive Engineer in REO Works Division, Ara.

32. Sri Mokhtar Nath Ram son of not known presently posted as Executive Engineer in REO work Division, Bhabhua, Kaimur.

33. Sri Awadhesh Prasad son of not known presently posted as Executive Engineer Road Division, Biharsharif.

34. Sri Ramakant Prasad son of not known presently posted as District Engineer, District Board, Gaya.

35. Sri Ramashray Ram son of not known presently posted as Executive Engineer Field Investigation Division, Advance Planning, Road Construction Department, Ara and holding additional charge of Superintending Engineer, Bhojpur Road Circle, RCD, Ara.

36. Sri Bhupati Harizan son of not known presently posted as Executive Engineer, National Highway Division, Motihari.

37. Sri Ram Sagar Choudhary son of not known presently posted as Technical Advisor (Executive Engineer) in National Highway Circle, R.C. Department, Muzaffarpur.

38. Sri Yodhan Choudhary son of not known presently posted as Technical Advisor (Executive Engineer) in National Highway Circle, R.C. Department, Muzaffarpur.

39. Sri Satya Narayan Mahto son of not known Presently posted as Executive Engineer, Road Division, Road Construction Department, Banka.

40. Sri Ramayan Ram son of not known presently posted as Executive Engineer, REO Works Division, Supaul.

..... Opposite parties

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

12 31-03-2016

Learned counsel for the petitioner submits that the peremptory order dated 17.12.2015 as modified by the peremptory order dated 15.01.2016 was substantially complied with as the requisites were filed with respect to all respondents as per direction of this Court within time but requisites with regard to respondent nos. 16, 19, 25, 26, 27, 31, 32, 34, 37, 38 and 39 were not filed under a wrong notion of law as in the meantime they had already entered appearance.

In the aforesaid circumstances, Civil Review No. 166 of 2015 as also the connected limitation petition, i.e., I.A. No. 7401/2015 are directed to be restored to their respective original files with the further direction that it shall not be necessary for the petitioner to now file requisites with regard to respondent nos. 16, 19, 25, 26, 27, 31, 32, 34, 37, 38 and 39 since they have already entered appearance.

The restoration application is, accordingly, allowed with the above direction.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

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