

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11542 of 2013

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Naresh Khan son of Late Jay Kant Khan, resident of Village- Bara, P.S.-
Bihra, Saharsa (Bihar).

.... Petitioner/s

Versus

- 1.The State of Bihar
- 2.The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
- 3.The Deputy Secretary, Water Resources Department, Government of Bihar, Patna..
- 4.The Chief Engineer, Water Resources Department, Government of Bihar, Birpur, Supaul.
- 5.The Superintending Engineer, Canal Circle, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satish Chandra Jha-3.

For the Respondent/s : Mr.S.K.Saraf, A.C. to G.P.7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 02-09-2016

Heard the counsel for the parties.

In this case the matter relates to the Water Resources Department, Government of Bihar, Patna. The petitioner joined the service of Revenue Clerk on 9.7.1980 which was merged in the Engineering Wing, Water resources Department, Irrigation Division, Saharsa. For a long period seniority was not decided which compelled the petitioner to approach this Court in C.W.J.C. No.18485/09. The matter was disposed of giving direction to the respondents to consider the representation and prepare seniority list in accordance with law.

On account of inaction of the State Government,



compelled the petitioner approached this Hon'ble Court in M.J.C. No105 of 2011, the Court had shown annoyance in not fixing the seniority list. Ultimately the Government prepared the seniority list fixed position of the petitioner at serial no.63 in the seniority list. The claim of the petitioner is that he holds all requisite qualifications for promotion to the post Head clerk but he has been deprived of the same inasmuch as certain persons, namely, Anil Kumar Jha whose position is at Serial No.132 has been made In-charge, Head Clerk, Triveniganj and Sri Sanjay Kumar Singh whose position is at Serial No.148 has been made In-charge, Head Clerk, whereas petitioner whose seniority position is at Serial No.63 has been ignored from making him incharge. Even several posts of Head Clerks are lying vacant since long. Even in the matter granting the post of In-charge clerk the petitioner should be given preference to the petitioner as he is senior to the persons mentioned hereinabove..

As those persons are not before this Court, this Court cannot pass any order to direct the Chief Engineer, Water Resources Department, Government of Bihar, Birpur, Supaul, to remove them but the proper course is, if the post is already available and no one is senior, then in such circumstance, case of the petitioner should be considered for the same relief as has been

given to his junior.

Though the petitioner had filed representations in five series but for the convenience, let the petitioner file a fresh representation giving details of the fact and the Chief Engineer will take decision within a period of three months from the date of filing of the representation.

With the aforesaid direction this writ application is disposed of.

(Shivaji Pandey, J)

AnilKrSinha/-

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