

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8343 of 2016

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1. M/s Rama Saw Mill, Subhash Chowk, Jogbani Road, Forbisganj P.S. Forbisganj, District-Araria a proprietorship firm through its proprietor Tola Ram Sharma son of Late Ramchandra Sharma, resident of Mohalla-Subhash Chowk, Jogbani Road, Forbisganj, P.S. Forbisganj, District-Araria
 2. M/s Munna Saw Mill, Kurtha P.S. Kurtha, District-Arwal a proprietorship firm through its proprietor Munna Mistri son of Late Shatrudhan Mistri, resident of village-Kurtha P.S. Kurtha, District-Arwal
 3. M/s J.K. Timber, Hamzapur-sherghati P.S. Amas, District-Gaya a proprietorship firm through its proprietor Md. Jalal Akhtar son of Late Abdul Gafur, resident of village-Baida P.S. Amas, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna
2. The Principal Chief Conservator of Forest, Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna
3. The Commissioner-cum-Chairman, Selection Committee of Saw Mills, Purnea Division, Purnea
4. The Commissioner-cum-Chairman, Selection Committee of Saw Mills, Gaya Division, Gaya
5. The Conservator of Forest, Purnea Circle, Purnea
6. The Conservator of Forest, Gaya Circle, Gaya
7. The Divisional Forest Officer, Araria Forest Division, Araria
8. The Divisional Forest Officer, Aurangabad Forest Division, Aurangabad
9. The Divisional Forest Officer, Gaya Forest Division, Gaya
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.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Vinay Mistry, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, G.A.-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 20-05-2016

Heard learned counsel for the petitioners.

Learned counsel for the petitioners fairly submits

that since the seniority list issued by the Selection Committee of Saw Mills is amenable to appeal hence he shall be taking recourse

to the same but prays for disposal of the writ petition in terms of the orders of this Court passed in CWJC No. 6394 of 2011 which records a disposal in the following terms :-

"5. The petitioners have got an alternative remedy and hence they should prefer appeals if they want to challenge the impugned decisions taken by the District Level Committees as has been provided in law. If such appeals are filed along with a copy of this order as well as interlocutory applications for condoning the delay, the appellate authority shall consider the delay caused due to filing of these writ petitions and shall decide the said appeals on merits expeditiously preferably within a period of four months thereafter keeping in view the order of the Apex Court dated 30.01.2009 passed in WP(C) No. 460 of 2004 and other analogous cases as well as the decision dated 04.09.2009 passed in WP(C) No. 202 of 1995 and the steps taken by the Government in the light of the said decisions. If such appeals are filed as per the direction given above, the operation of the orders impugned in these writ petitions shall remain stayed till disposal of the concerned appeals."

Having heard learned counsel for the parties and having considered the order passed by this Court in CWJC No. 6394 of 2011, I deem it fit and proper to dispose of the writ petition with liberty to the petitioner to exhaust the remedy of

appeal in terms of the order under reference but instead of staying the operation of the seniority list published, it would be but appropriate to direct that the same shall be subject to the outcome of the appeal to be filed by the petitioner.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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