

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6218 of 2016

Binod Kumar Jha Son of Late Ugra Mohan Jha Resident of Village - Bangaon
Purbari Tola, P.S. Bangaon, District - Saharsa, Presently resident of Mohalla C/o
Brajesh Kumar (Advocate), Maa Anandmai Colony, Khojaimli, P.S.
Phulwarisharif, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Irrigation Department, Bihar, Patna
2. The Additional Secretary, Minor Irrigation Department, Bihar, Patna
3. The Engineer - In - Chief (Central) Bihar, Patna
4. The Chief Engineer (Central), Bihar, Patna
5. The Superintendent Engineer, Arwal
6. The Executive Engineer, Arwal

.... Respondents

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Respondent/s : Mr. Ranjan Kumar, AC to GA12

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 14-09-2016

Petitioner is an Assistant Engineer working in Minor Irrigation Department, at present posted at Sitamarhi. His grievance is that many a persons junior to the petitioner have been given the charge and responsibility of Executive Engineer but his seniority has been overlooked. It violates Articles 14 and 16 of the Constitution of India.

In normal course of things such grievances are required to be looked into and entertained because seniority does have meaning in service.

From the counter affidavit filed on behalf of the respondents it seems that there is a proceeding pending against the petitioner for the period when he was posted at Sitamarhi since the year 2008. That

came in the way of the petitioner from being given charge of Executive Engineer.

These are not cases of substantive appointment or promotion on the post of Executive Engineer. These are the arrangements made on behalf of the respondents looking at the exigencies of work but efforts have been made to ensure that only such people having clean records are to be placed in the position of responsibility. It is the departmental enquiry which has come in the way of the petitioner despite having seniority.

If that be so and keeping in mind that it is not a substantive arrangement but only a working arrangement and with a pending enquiry against the petitioner if the petitioner has been kept out of responsibility, it cannot be said to be a case of discrimination as well as ignoring the seniority of the petitioner.

It will be in the interest of the petitioner and the respondents that the enquiry is taken to its logical end at the earliest. No relief in favour of the petitioner can be granted in view of above facts.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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