

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1910 of 2017

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Laltun Thakur, Son of Late Bulla Thakur, Resident of village - Sonaki, P.S.
Sonaki, District - Darbhanga.

.... 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, Darbhanga Division, Darbhanga.
4. The Conservator of Forest, Muzaffarpur Circle, Muzaffarpur.
5. The Divisional Forest Officer, Mitila Forest Division, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Adv.

For the State : Mr. Sarvesh Kr. Singh- AAG-13

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 17-07-2017 Heard Mr. Vinay Mistry, learned Counsel appearing on behalf of the petitioner and Mr. Sarvesh Kumar Singh, learned AAG-13, appearing on behalf of respondent State.

The present writ application has been filed for quashing of the seniority list of the Saw Mill Operators in the District of Darbhanga, which has been published vide Resolution No.2675, dated 30.08.2010, issued by the Department of Environment and Forest, Government of Bihar, as contained in Annexure-3.

It is submitted by learned Counsel appearing on behalf of the petitioner that the seniority list of Saw Mill Operators



has been published contrary to the guidelines issued by the Central Expert Committee as well as the order of the Apex Court. However, the petitioner prays for confining his prayer for disposal of writ application in terms of order dated 20.05.2016, passed in CWJC No. 8343 of 2016, to avail the alternative remedy of Appeal. A statement to that effect has been made in paragraph no.6 of the petition, which reads as under :-

“That it is respectfully submitted that the petitioner is ready to file an appeal against the seniority list and therefore the present writ application may be disposed of in terms of the order dated 20.05.2016 passed by this Hon’ble Court in CWJC No.8343 of 2016.”

Learned Counsel appearing on behalf of the petitioner has drawn attention of this Court to relevant portion of the order dated 20.05.2016, passed in CWJC No.8343 of 2016, by a Bench of this Court, which reads as under :-

“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 :-

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. “

Accordingly, the writ application is disposed of with a liberty to the petitioner to avail the remedy of Appeal in terms of the order aforementioned.

However, there shall be no stay of the seniority list of Saw Mill Operators published vide Resolution No.2675, dated 30.08.2010, as contained in Annexure-3, but the same will be subject to the outcome of the Appeal filed by the petitioner.

(Dinesh Kumar Singh, J)

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