

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11879 of 2016

=====

Amresh Sharma, Son of Late Chandrika Sharma, resident of Village- Parshuram
Nagar, Sandalpur Road, P.O. Mahendru, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Road Construction Department, Bihar, Patna.
2. The Principal Secretary, Home (Special) Department, Old Secretariat, Patna.
3. The Deputy Secretary, Home (Special) Department, Old Secretariat, Patna.
4. The Principal Secretary, General Administrative Department, Government of Bihar, Patna.
5. The Special Secretary, Road Construction Department, Bihar, Patna.
6. The Joint Secretary, Road Construction Department, Bihar, Patna.
7. The Deputy Secretary (Management Cell), Road Construction Department, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Adv.

For the Respondent/s : Mr. Anil Kumar Singh, AC to SC-23

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-11-2017

The petitioner was allocated to the State of Jharkhand on bifurcation under the Bihar Reorganisation Act, 2000 but has been transferred back to the State of Bihar vide Memo No.9516 dated 17.6.2006 on the basis of mutual transfer. The grievance of the petitioner is that he is not being allowed seniority because he has returned to the State of Bihar on mutual transfer even though the fact is that despite allocation the petitioner continued in the State of Bihar.

Be that as it may, and whether the petitioner despite his allocation joined the State of Jharkhand or not, is not a subject matter of contest herein. The issue as regarding carrying of seniority on mutual transfer from the State of Jharkhand to the State of Bihar stands resolved



by a Division Bench judgment of this Court rendered in the case of **Aditya Narayan Roy & Ors. vs. The State of Bihar & Ors.)** arising from **CWJC No.4756 of 2009** and a batch of writ petitions praying for similar relief as granted by the Division Bench in the case of **Aditya Narayan Roy** (supra) came up for consideration before this Court and which was allowed in terms of the judgment passed by the Division Bench.

The parties are in agreement that the present writ petition can also be disposed of in similar terms.

In the uncontested circumstances discussed, the writ petition is allowed in terms of the judgment and order passed in **Aditya Narayan Roy** (supra) and accordingly the petitioner is restored to his original seniority.

It however goes without saying that the directions herein are subject to the final outcome of the pending appeal filed by the State against the judgment and order passed by the Division Bench in the case of **Aditya Narayan Roy** (supra) before the Supreme Court.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-12-2017
Transmission Date	NA

