

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1734 of 2015
IN
Civil Writ Jurisdiction Case No. 1400 of 1999**

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The Bihar Baigyanic Seva Sangh through its President, namely Shashi Bhushan Prasad, son of Late Shiv Prasad, resident of Nala Road, Kadam Kuan, Patna.

.... Appellant

Versus

1. The State of Bihar through the Under Secretary, Water Resources Department, Bihar, Patna.
2. The Secretary, Department of Water Resources, Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Commissioner No.1, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Research and Training Irrigation Research Institute, Khagaul, Patna.

.... Respondents

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Appearance:

For the Appellant/s : Mr. Pramod Mishra, Advocate.
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG 13 &
Mrs. Sunita Kumari, AC to AAG 13.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: **HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**)

Date: 31-08-2017

Heard learned counsel for the appellant and learned counsel for the State.

The Writ Application has been dismissed for valid and cogent reasons given by the learned Single Judge in the concluding portion of the impugned order dated 03.07.2015 that the Gradation List has lost its meaning and most of the persons therein have retired and gone home years ago. Paragraph 4 of the impugned order is being reproduced here-in-below for ready reference.



“4. In my opinion, the present writ application has become infructuous for all practical purposes, as no purpose is going to be served by entering into the dispute as regards correctness of a gradation list, where all persons, whose names figured in the said gradation list, have retired several years ago and there is no challenge to promotion granted to the persons on the basis of the said gradation list. From the dates of birth mentioned against the names of the persons who figure in the gradation list under challenge, it appears that all of them attained the age of superannuation several years ago.”

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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