

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1709 of 2013
IN
Civil Writ Jurisdiction Case No. 15675 of 2007**

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Sukh Bilash Thakur Son Of Late Sheo Dayal Thakur Resident Of Village-
Bisikhurd, P.O. Bisi Kala, P.S.- Dinara, District- Rohtas At Sasaram, Posted As
Bill Clerk In The Office Of The Electrical Executive Engineer, Electric Supply
Division, Ara, District Bhojpur

..... Appellant/s
Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna through
Its Secretary
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road,
Patna
3. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road,
Patna
4. The Joint Secretary, General Administration Department, Bihar State
Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The General Manager-Cum-Chief Engineer, Central Electric Supply Area,
Patna
6. The Electrical Superintending Engineer, Electric Supply Circle, Patna
7. The Electrical Executive Engineer, Electric Supply Division, Ara, District-
Bhojpur

..... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar
Mrs Alka Pandey
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate
Mr Vijay Kr. Verma
Mr Akhileshwar Singh

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 02-05-2017

Heard learned counsel for the appellant and learned
senior counsel representing the erstwhile Bihar State Electricity



Board, which is now known as South Bihar Power Distribution Company Limited.

2. The writ application of the appellant was dismissed on 24.9.2013 by the learned Single Judge refusing to quash Annexure-1 of the writ application, by virtue of which the appellant was reverted from the post of Bill Clerk to the level of unskilled Khalasi or unskilled labour. The said impugned order is dated 10.08.2007.

3. No doubt, the appellant was appointed after due process of selection in the year 1981 on the post of a Bill Clerk but it seems that at the relevant time the appellant did not have the minimum requisite qualification of Matriculation with Mathematics as a subject. This fact is not a matter of dispute and this position has been accepted by both the sides. Things have been well for the appellant till the impugned order came to be passed in the year 2007 reverting him. A plea was taken that the long period of work coupled with non-suppression of facts and the fact that the appellant was found suitable and eligible is evident from the process adopted. Appointment on the post of Bill Clerk by the respondents with open eyes should be enough to set aside the order of reversion.

4. However, it seems that the learned Single Judge was not impressed by such a submission because there was some more background to such kind of dispute, when similar litigation had come



before the High Court way back in CWJC No.1305 of 1991 where a Division Bench while dismissing the writ application on 4.9.1992, copy of which is Annexure- 11 to the writ application, also gave a direction that all such similarly situated persons, who did not have the basic eligibility but were promoted on the post of Bill Clerk, were required to be reverted.

5. The plea of the appellant, if it is accepted, would amount to overriding the judicial adjudication already made, which had remained as such and attained finality.

6. These facts have been taken note of by the learned Single Judge. Coupled with the above, the learned Single Judge has also taken note of a decision of the Hon'ble Supreme Court i.e. ***Buddhi Nath Chaudhary & others vs. Abahi Kumar & others, reported in AIR 2001 SC 1176*** wherein the decision for reversion due to lack of eligibility did not require a detailed departmental enquiry but a mere show cause and explanation is more than enough was the principle laid down.

7. Since the basic fact of lack of eligibility is not a matter of argument or dispute coupled with the Division Bench direction issued by the High Court way-way back in identical matter, the learned Single Judge had no option but to dismiss the writ application and refuse to interfere with the order of reversion.



The appeal, therefore, lacks merits. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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