

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9725 of 2003

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Dr.Ram Raj Ravi, son of ShriBhola Ram, resident of Village Siruan, Police Station
SanJhauri, District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary
2. The Commissioner-cum-Secretary, Department of Health and Family Welfare,
Govt. of Bihar, Secretariat, Patna
3. The Secretary, Department of Personnel and Administrative Reforms, Govt. of
Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. (SC2)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date: 21-09-2017

This petition was filed in the year 2003.

It is yet to be admitted.

When it was listed for admission on 17.12.2003, this Court took note of the fact that the issue of determining the inter se seniority between the members of Reserve Category and General Category in view of insertion of Clause (4A) in Article 16 of the Constitution is pending consideration before the Hon'ble Supreme Court in Writ Petition (Civil) No. 255 of 2002 (H M Mallikarjuna Swamy v Union of India) and, therefore, directed for listing of the matter after the said petition before the Supreme Court is decided. No orders were passed with regard to the question of admission.



Office report indicates that the Hon’ble Supreme Court has decided the Writ Petition (Civil) No. 255 of 2002 by a detailed order passed on 18.03.2010 and, therefore, now based on the aforesaid principles of law laid down by the Supreme Court in the above case, the petitioner is required to re-agitate the matter.

In this case, today no one appears for the petitioner in support of his contention. It is seen that with regard to determination of the inter se seniority the persons who would be affected by the change of seniority have not been impleaded as party. That being so, in the facts and circumstances, no case is made out for indulgence into the matter now, after more than a period of 14 years, when none is appearing for the petitioner. However, in case any grievance still persists with the petitioner after the decision of the Hon’ble Supreme Court in the case of H M Mallikarjun (supra), liberty is granted to the petitioner ventilate it afresh in accordance with law after impleading all concerned who are liable to be affected by change of seniority.

(Rajendra Menon, CJ)

mrl.

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

