

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9152 of 2008

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1. Dinanath Prasad, Son of late Ram Lal Prasad, permanent resident of Village Deonagar, P.S. Naubatpur, District Patna, presently residing at Mohalla Janta Colony, Bairagi Gaya, P.S. Gaya, District Gaya presently working as Junior Engineer (Mechanical) Department of Public Health Engineering, Mechanical Section, Nawada.
 2. Ram Prasad Singh, son of Shri Ram Jatan Singh, resident of Gaya, P.S. Civil Lines Gaya, District Gaya, permanent resident of Village Tarahua Tola Panda Bigha, P.S. Makhdumpur, District Jehanabad, presently working as Junior Engineer (Mechanical), Department of Public Health Engineering Mechanical Section, Jahanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Secretary, Department of Public Health Engineering, Government of Bihar, Patna.
3. Deputy Secretary, Department of Public Health Engineering, Government of Bihar, Patna.
4. Engineer-in-Chief cum Special Secretary, Department of Public Health Engineering, New Secretariat, Punaichak, Government of Bihar, Patna.
5. Chief-Engineer (Mechanical) Public Health Engineering Department, New Secretariat, Punaichak, Government of Bihar, Patna.
6. Kalanand Mandal, son of not known, presently working as Assistant Engineer, Public Health Engineering Sub-Division (Mechanical), Patna East, in the camp of Veterinary College, Patna, Bihar.
7. Mr. Ram Jatan Mahto, son of not known, thorough the Engineer-in-Chief cum Special Secretary, Department of Public Health Engineering, Government of Bihar, Patna (Since place of posting is not known).
8. Shri Ramdeo Prasad, son of not known.
9. Shri Suraj Prasad, son of not known.
10. Shri Md Guljar, son of not known.
11. Shri Vijay Kumar Sinha, son of not known.
12. Shri Lal Babu Sharma, son of not known.
13. Shri Nagendra Prasad, son of not known.
14. Shri Laxmi Narayan Chaudhary, son of not known.
15. Shri Ram Charitra Singh, son of not known.
16. Shri Kedar Nath, son of not known.
17. Shri Jai Prakash Narawayn, son of not known.
18. Shri Narendara Prasad Singh, son of not known.
19. Shri Balband Singh, son of not known.
20. Shri Suresh Kumar Singh, son of not known.
21. Shri Shyam Nandan Singh, son of not known.
22. Shri Manager Singh, son of not known.
23. Shri Fakira Sah, son of not known.
24. Shri Radhey Shyam Singh, son of not known.
25. Shri Rajeev Prasad, son of not known.

Through the Engineer-in-Chief-cum-Special Secretary, Department of Public Health Engineering, Government of Bihar, Patna.

.... Respondent/s



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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Ajay Behari Sinha, GA-8
Mr. Upendra Kr. Singh, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-11-2017

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

In this case, the petitioners have challenged the seniority of the respondent no.6 to 25 claiming that they are much junior to the petitioners, have been shown senior in the seniority list of Junior Engineer post in the year 2008 though, on earlier occasion, they were shown senior to the respondents but, suddenly the petitioners have been shown junior and claimed Kalanand Mandal has been promoted to the post of Assistant Engineer whereas the petitioners remained junior to him.

The State has filed counter affidavit and has disputed the claim of the petitioners making a statement that these respondents were direct recruits whereas the petitioners were absorbed in service as Junior Engineer. As per settled position, the person, who has entered into service through the examination, will rank senior to the persons who have been regularized in service. As the petitioners were earlier holding the post of Pump Operator and, later on, when they have acquired the requisite qualification, absorbed as Junior Engineer.



Learned counsel for the petitioners submits that they should be given liberty to file a representation to the Engineer-in-Chief cum Special Secretary, Department of Public Health Engineering Government of Bihar, Patna for examination of the seniority.

If the petitioners file a representation before the aforesaid authority, he will examine the seniority of the petitioners vis-à-vis of the respondents concerned and will take a decision in accordance with law.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.11.2017
Transmission Date	NA

