

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5041 of 2016

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Devashish Thakur, S/o Awadhesh Thakur, Resident of Mohalla- Chunabhathi near
Mithu Mandir Chowk, PS- University Campus, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chairman-cum-Managing Director, Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna Successor of the Erstwhile Bihar State Electricity Board Patna.
3. The Secretary, Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna Successor of the Erstwhile Bihar State Electricity Board Patna.
4. The General Manager, (Human Resources & Administration) Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna, Successor of the Erstwhile Bihar State Electricity Board, Patna.
5. The Deputy General Manager, (Human Resources & Administration) Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna Successor of the Erstwhile Bihar State Electricity Board Patna.
6. The Officer on Special Duty, (Human Resources & Administration) Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna Successor of the Erstwhile Bihar State Electricity Board Patna.
7. The Principal Secretary, Energy Department , Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the Respondent-State : Ms. Alka Verma, AC to SC-17
For the Respondent-Company: Mr. Anand Kumar Ojha, Adv.
Mr. Ashok Kumar Karna, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 26-03-2018

Heard Mr. Ratnakar Jha, learned counsel appearing for the petitioner, Mr. Ashok Kumar Karna, learned Assisting Counsel to Mr. Anand Kumar Ojha for the respondent Power Holding/Distribution Company and learned counsel for the State.

This is a second round litigation for the petitioner with his earlier round culminating in the order dated 16.09.2015 passed in CWJC



No.6902 of 2015, whereby a coordinate Bench of this Court not being persuaded by the argument advanced, disposed of the writ petition allowing the petitioners to raise their grievance before the respondent Power Holding Company and who were accordingly directed to consider the efficacy of filling up the left over posts by short-listed candidates but while doing so an observation was made by the Bench on the right of the petitioners for seeking such appointment by empanelment. The judgment of the coordinate Bench has not been appealed against by the petitioners instead they approached the Chairman –cum- Managing Director, Bihar State Power (Holding) Company Ltd. through the representation dated 20.9.2015 at Annexure 7 and which has been rejected by the Chairman – cum-Managing Director vide order bearing Memo No.74 dated 15.2.2016 impugned at Annexure 8.

While the other petitioners from the earlier round litigation came before this Court questioning the order passed by the Chairman - cum- Managing Director as impugned herein by filing **CWJC No.7113 of 2016 (Harihardatt Vatsa Kumar Pankaj & others vs. The Bihar State Power Holding Company Ltd. and others)** the petitioner has chosen to move separately through the present writ petition. A copy of the order passed by this Court in the case of **Harihardatt Vatsa Kumar Pankaj** (supra) has been brought on record by the respondents through supplementary counter affidavit and which would confirm that this Court having delved into the case and considering that no waiting list has been conceived in the employment notice dismissed the writ petition.



Although Mr. Ratnakar Jha, learned counsel appearing for the petitioner has produced a copy of an order passed by the Punjab and Haryana High Court in **CWP No.25682 of 2014 (Arun Singh and others Vs. State of Haryana and another)** to submit that a similar issue having put up for consideration that relief had been granted but my earlier opinion expressed in the case of **Harihardatt Vatsa Kumar Pankaj** (supra) binds me to make any deviation therefrom.

It is not in dispute that this petitioner was a party along with several petitioners in the earlier round of litigation arising from CWJC No.6902 of 2015. It is again not disputed that this Court while considering identical claim of others in context with the order impugned dated 15.2.2016 has found no reason to interfere therewith and dismissed the writ petition. In the undisputed position existing, the judgment and order passed in **Harihardatt Vatsa Kumar Pankaj** (supra) by this Court would apply to the case of the present petitioner as well. The writ petition is accordingly dismissed.

(Jyoti Saran, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31-03-2018
Transmission Date	NA

