

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15597 of 2001

-
-
1. Subodh Kumar Singh son of Sri Ramdeo Singh, resident of village – Sultanpur, Middle, P.O. - Sultanpur, P.S. - Mohiuddin Nagar, District – Samastipur at present resident of Mohalla - - Near Top Tailor, Naisarai, P.S. - Bihar Sharif, District - Nalanda
 2. Kaushlendra Kumar Sinha son of late Rameshwar Nath Prasad, resident of Mohalla - Kamruddinganj, Bihar Sharif, Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-cum- Secretary, Personnel and Administrative Reforms, Department, Old Secretariat, Patna
3. The Member Board of Revenue, Old Secretariate, Patna
4. The Commissioner, Patna Division, Patna
5. The Collector, Bihar Sharif, Nalanda
6. Narayan Chaudhary son of Basudeo Chaudhary, at present posted at 20 point programme section Collectorate, Nalanda at Bihar Sharif
7. Siya Sharan Lal son of not known, at present posted at Rahui Anchal, Nalanda, Bihar Sharif
8. Lal Krishna Prasad son of now known, at present posted Nalanda Collectariate, Nalanda, Bihar Sharif
9. Raghuni Prasad son Dharam Narayan Singh, at present posted Treasury, Nalanda Collectariate, Nalanda, Bihar Sharif
10. Kishori Prasad Singh son of Munshi Prasad, at present General Section, Nalanda Collectariate, Nalanda, Bihar Sharif
11. Shambhu Sharan son of not known, at present posted Head Clerk, Rahui Anchal, Nalanda, Bihar Sharif
12. Arjun Garai son of Mahadeo Garai, at present posted Welfare Section, Nalanda Collectariate, Nalanda, Bihar Sharif
13. Shivnarayan Prasad Singh son of not known, at present posted Revenue Section, Nalanda Collectariate, Nalanda, Bihar Sharif
14. Barj Kishore Prasad son of not known, at present posted Treasury Assistant, Hilsa, Nalanda, Bihar Sharif
15. Indradeo Paswan son of not known, at present posted Establishment Section Assistant Nalanda Collectariate, Bihar Sharif, District - Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satya Ranjan Sinha Advocate Mrs. Seema Kumari Advocate
For the Respondent/s	:	Mr. Dharendra Kumar AC to A.A.G. - 6

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

9 06-12-2018

The two petitioners, who were appointed as Clerks



in the Nalanda Collectorate in the year 1974, felt aggrieved by the order dated 09.10.2001, passed by the District Magistrate, Nalanda at Biharsharif, by which the Respondents No. 6 to 15 were identified for higher scale of pay on need-based post.

It is the contention of the petitioners that their identification, to the exclusion of the petitioners, was arbitrary and without any guidelines being followed. This was obviously because of the seniority list which was issued on 06.10.2001, which according to the petitioners was a faulty seniority list.

Apart from this, the petitioners also were aggrieved by the fact that despite the government circular with respect to the inter-se-seniority of the Clerks in the Collectorate, they were placed below. Some of the other Clerks who were appointed later than the petitioners in the different Collectorate they had been transferred to Nalanda Collectorate.

Since this is an old case, there is no appearance on behalf of the private-respondents, who have been placed



higher in the seniority list.

However, learned counsel for the petitioners has drawn the attention of this Court to an order dated 22.09.2005, passed in C.W.J.C. No. 10437 of 2001, which takes into account the circular of the government which enjoins that any Clerk on transfer to a different Collectorate would be placed at the bottom of the seniority list. Considering the aforesaid circular, the Bench in the aforesaid case, namely, C.W.J.C. No. 10437 of 2001 quashed the seniority list in that case and directed for a preparation of a fresh seniority list in accordance with law and as per the circular referred-to-above.

Learned counsel for the petitioners submits that the petitioners would be satisfied if they are given a liberty to approach the Respondent No. 5 along with a representation enclosing a copy of this order as well as the order dated 22.09.2005, reference of which has been made in the earlier part of the order and a decision be taken on such representation.

The prayer does not appear to be unreasonable.



The petitioners are directed to approach the Respondent No. 5 with their representation along with a copy of this order as well as the order dated 22.09.2005 passed in C.W.J.C. No. 10437 of 2001 within a period of four weeks from today, stating the reason as to why a fresh seniority list / gradation list be prepared. On receipt of such representation, the Respondent No. 5 shall, after hearing the concerned parties, pass a reasoned order in accordance with law within a period of eight weeks thereafter.

With the aforesaid observation/direction, the present writ petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

