

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.148 of 2014

In

Miscellaneous Jurisdiction Case No. 595 of 2013

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1. Mahesh Prasad Mishra Son of Late Gyatri Prasad Mishra Resident of Village - Haraji, P.S. - Awtarnagar, District - Saran Retired Commercial Tax Officer, Department of Commercial Taxes, Govt. of Bihar, Patna

2. Muzaffar Alam Son of Late Nazir Akhtar Hussain Resident of Village - Uphrauli, P.S. - Katra, District - Muzaffarpur. At present Commercial Tax Officer Saran Circle, District - Saran, Chapra

3. Nalini Ranjan Son of Late Durga Prasad Sinha Resident of Village - Baghra, P.S. - Siwan Muffasil District - Siwan, Retired Commercial Taxes Officer, Govt. of Bihar, Patna

4. Ramji Ravi Dass son of Late Devkimochi, resident of Mohalla Jalapur P. S. Sohsarai at present Assistant Commissioner, Commercial Taxes, Karamnasa Check Post, P.S. Karamnasa, District Kaimur

.... Petitioner/s

Versus

1. The State of Bihar

2. Sri Prashant Kumar Jha, The Commissioner Cum Principal Secretary, Department of Commercial Taxes, New Secretariat, Bihar, Patna

3. Ramadhir Singh, Member of Bihar Finance Service at present Joint Commissioner, Deptt. Of Commercial Taxes, Bhagalpur Division, Bhagalpur – 36th Batch

4. Subodh Ram, Member of Bihar Finance Service, Joint Commissioner, Deptt. Of Commercial Taxes, New Secretariat, Bihar, Patna 36th Batch.

5. Navin Kumar, Member of Bihar Finance Service, Deputy Commissioner, Commercial Taxes Deptt., New Secretariat, Bihar, Patna, 37th Batch

6. Kishore Kumar Sinha, Member of Bihar Finance Deputy Commissioner, Commercial Taxes Deptt., Madhya Circle, Anta Ghat, Patna – 37th Batch

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Amar Nath Mishra, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

11 25-04-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

This application has been filed for review of the order



dated 22.01.2014 passed in MJC No. 595 of 2013. The said proceeding has been initiated on account of the order passed in CWJC No. 2321 of 2007 which was decided in favour of the petitioners and remain un-assailed up to Hon'ble Supreme Court. The matter came for its enforcement. Accordingly the petitioner has filed MJC No. 595 of 2013. The case was taken up on 15.1.2014 and the Court found that the order which was passed was not reflecting to have complied the order in its letter and spirit and accordingly the case was adjourned for making proper rectification and correction in the action what they had taken. Whereafter the case was taken up on 22.1.2014 and the Court found that the order has been complied and liberty was given that if anybody is aggrieved by the seniority list, he may assail the same in accordance with law with respect to the information gathered under Right to Information Act, Annexure 13 which has been replied in supplementary show cause.

As per the petitioners, this Court has held that these petitioners should rank senior to 158 persons who were appointed by Bihar Public Service Commission of 36th batch. In the order it has been recorded that 53 Officers were recruited in the service in the year 1994 whereas 158 officers



were recruited in the year 1991 – 1992 batch and on that account of 53 officers have been kept to 158 Officers. This court is not adjudicating the dispute which has already been adjudicated. If the petitioners are aggrieved by the seniority list they may take action in a substantive proceedings.

This Court does not find any merit in this application. Accordingly this application is dismissed.

(Shivaji Pandey, J)

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