

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10869 of 2001

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Surendra Kumar, son of Hari Narayan Prasad, resident of House No.F/39
(P.C. Colony) P.S.- Kankarbagh, Town and District- Patna.

... .. Petitioner

Versus

1. The State of Bihar, through Chief Secretary, Bihar, Patna.
2. The Secretary, Department of Law, Bihar, Patna.
3. The Joint Secretary, Department of Law, Bihar, Patna.
4. The Secretary, Department of Personnel and Administrative Reforms,
Bihar, Patna.
5. The Finance Commissioner-cum- Secretary, Department of Finance, Bihar,
Patna.
6. Shri Naresh Chandra Kumar, the then Under Secretary, Department of Law,
Bihar, Patna, now resident of Mohalla- Chiraiya Tarh, P.S. and District- Patna.
7. Sri Manik Chandra Prasad, son of Sri Krity Mahto, presently working as
Assistant Translator, Class-II, Department of Law, Bihar, Patna.
8. Sri Bhriugu Nath Tiwary, son of Late Sarju Tiwary, presently working as
Assistant Translator, Class-II, Department of Law, Bihar, Patna.
9. The Secretary, Bihar Public Service Commission, Patna.
10. The State of Jharkhand through the Chief Secretary of Jharkhand at
Ranchi.
11. The Secretary, Department of Law, Jharkhand, Ranchi.
12. The Union of India through the Secretary, Department of Personnel and
Training, Government of India, New Delhi.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Ambastha, Advocate
For the State	:	Mrs. Binita Singh, S.C.-28
		Mr. Sudhanshu Trivedi, A.C. to S.C.-28

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 13-03-2018

This case was taken up on 08.03.2018. On that day,



learned counsel for the petitioner was not present, however, learned counsel for the State was present. Today, the position is the same, learned counsel for the State is present, but the learned counsel for the petitioner is absent.

In this case, the petitioner is claiming that he should be declared senior to Sri Manik Chandra Prasad and Sri Bhrigu Nath Tiwari, respondent nos. 7 and 8 on the basis that he was appointed against the advertisement which was published prior to advertisement, against which respondent nos. 7 and 8 were appointed.

In the counter affidavit it has been specifically mentioned that the petitioner was appointed on 22.11.1978, whereas, Sri Manik Chandra Prasad, respondent no.7, was appointed on 12.12.1977 and Sri Bhrigu Nath Tiwary, respondent no.8, was appointed on 22.02.1978. In absence of the rule, the seniority is to be counted from the date of the entry in the service and on that basis the seniority of employees are decided.

In the present case, the claim has been made by the petitioner that he was appointed against the advertisement which was published prior to advertisement, against which respondent nos. 7 and 8 were appointed, cannot be a basis to declare the



petitioner senior to respondent nos.7 and 8, but entry in the service will be the *sine quo non* for deciding the issue of seniority of the employees.

In such view of the matter, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	19.03.2018
Transmission Date	N/A.

