

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21843 of 2018

Md. Riyaj Ahmed, Son of Abdus Satim, Resident of Village- Kumharwa, P.O. & P.S.- Baisi, District- Purnia, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer (Mechanical), North Bihar, Road Construction Department, Government of Bihar, Vishweshwaraiya Bhawan, Bailey Road, Patna.
5. The Executive Engineer, Road Construction Division, Purnia.
6. The District Magistrate, Purnia.
7. The Senior Deputy Collector, Purnia.
8. The Indian Oil Corporation Limited, having its registered office at G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051, through its Managing Director.
9. The Senior Divisional Retail Sales Manager, Begusarai Divisional Office, P.O. Barauni Oil Refinery, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Suraj Samdarshi
For the Respondent/s	:	Ratna Kumari
	:	Mr. A.K. Jha
	:	Mr. S.K. Mishra

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 20-12-2018

1. The short prayer of the petitioner in the present case is that the conditions prevalent at the time of issuance of the N.O.C. should be considered for the purposes of deciding the claim of the petitioner and any subsequent notification by any other department i.e. the Road Construction Departement should not be taken into account to declare the petitioner unfit.



2. The learned counsel for the petitioner has relied upon a judgment dated 17.10.2017 passed in CWJC no. 12190 of 2016 as also the one dated 21.02.2018 passed in CWJC no. 17322 of 2017.

3. The learned counsel for the respondents does not dispute the position as existing in law.

4. Having regard to the facts and circumstances of the case, the order dated 12.10.2018 passed by the Senior Addl. Collector, District General Administration, Purnea is quashed, however with liberty to the concerned respondent authorities to decide the case of the petitioner within a period of eight weeks from today after considering the conditions prevalent at the time of issuance of N.O.C. as also the aforesaid judgments passed by this Court from time to time.

5. With the aforesaid observations and directions, the writ petition stands disposed of

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.01.2019
Transmission Date	NA

