

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7764 of 2018

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1. M/s Rajdhani Furniture & Saw Mill, Jangali Beldaria, Budhaul, P.S. Mufassil, District- Nawada at proprietorship firm through its Proprietor Madhuri Devi, wife of Karu Lal Sharma, Resident of Mohalla- Gonawan, P.S. Nawada, District- Nawada.
 2. M/s Jai Maa Kali Timber, Tekari, P.S. Tekari, District- Gaya a proprietorship firm through its Proprietor Dharmendra Sharma, Son of Ram Prawesh Sharma, Resident of Village- Belharia More Tekari, P.S.- Tekari, District- Gaya.
 3. M/s Sanjay Saw Mill, Bherhariya English, P.S. Paliganj, District- Patna, a proprietorship firm through its Proprietor Sanjay Kumar @ Sanjay Mistry Son of Mahendra Mistry, resident of Village- Bherhariya English, P.S. Paliganj, District- Patna.
 4. M/s Vishwakarma Saw Mill, Paliganj, P.S. Paliganj, District- Patna a proprietorship firm through its proprietor Bhuneshwar Mistry Son of Late Sukhdeo Mistry, resident of Mohalla - Shantinagar Paliganj, P.S Paliganj, District- Patna.

.... Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Environment & Forest Department, Government of Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, 4th Floor, Technology Bhawan, Bailey Road, Patna.
3. The Commissioner-cum-Chairman, Selection committee of Saw Mills, Gaya Division, Gaya.
4. The Commissioner-cum-Chairman, Selection Committee of Saw Mills, Patna Division, Patna.
5. The Conservator of Forest, Gaya Circle, Gaya.
6. The Conservator of Forest, Patna, Circle, Patna.
7. The Divisional Forest Officer, Nawada Forest Division, Nawada.
8. The Divisional Forest Officer, Gaya Forest Division, Gaya.
9. The Divisional Forest Officer, Patna, Forest Division, Patna.

.... Respondents

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Appearance :

For the Petitioners : Mr. Vinay Mistry, Advocate

For the Respondents : Mr. Raghwanand -GA11

Dr. Kamal Deo Sharma, A.C. to G.A11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-05-2018

Heard learned counsel for the petitioners as well as
learned counsel for the respondents.



2. This writ application has been filed for the following reliefs –

“(i) For issuance of a writ in the nature of certiorari for quashing the Annexure-P-4 (series) issued by the Selection Committee of Saw Mills whereby the seniority list of Saw Mills within the District of Nawada, Gaya and Patna was finalized in terms of Resolution No. 2675 dated 30.08.2010 of the Department of Environment & Forest, Government of Bihar which is contrary to the recommendation of CEC dated 11.06.2008 as well as the order of the Hon’ble Supreme Court dated 04.09.2009.

(ii) For issuance of writ in the nature of Mandamus directing the respondents not to take coercive action against the petitioners in the facts and circumstances of the case.

(iii) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.

3. At the very outset, learned counsel for the petitioners states that the seniority list issued by the Selection Committee of Saw Mills is amenable to appeal, in view of the orders of this Court in CWJC No. 6394 of 2011 in the following terms :-

“5. The petitioners have got an alternative remedy and hence they should prefer appeals if they want to challenge the impugned decisions taken by the District Level Committees as has been provided in law. If such appeals are filed along with a copy of this order as well



as interlocutory applications for condoning the delay, the appellate authority shall consider the delay caused due to filing of these writ petitions and shall decide the said appeals on merits expeditiously preferably within a period of four months thereafter keeping in view the order of the Apex Court dated 30.01.2009 passed in WP(C) No. 460 of 2004 and other analogous cases as well as the decision dated 04.09.2009 passed in WP(C) No. 202 of 1995 and the steps taken by the Government in the light of the said decisions. If such appeals are filed as per the direction given above, the operation of the orders impugned in these writ petitions shall remain stayed till disposal of the concerned appeals.”

4. In the above view of the matter, this writ petition is disposed of in terms of the aforesaid order dated 03.05.2011 passed in CWJC No. 6394 of 2011.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.05.2018
Transmission Date	N.A.

