

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2200 of 2019**

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1. Abhijeet Kumar Saurav, aged about 31 years, Male, son of Raghunandan Prasad Singh Resident of Village-Pharmaceutical Colony , Jai prakash Nagar, P.O. Bahadurpur Housing Colony, P.s. Agamkuan, Dist- Patna
  2. Pushkar, Male, 38 years, son of Yogendra Narayan Resident of Rishabh nagar, P.O. pundag, P.s. Jagannathpur, Ranchi
  3. Ajeet Kumar Kaushal Male, 32 years, son of Shivilal Kumar Kaushal Resident of D-5, K.T.P.S. Colony, Karbigahiya, P.O.- G.P.O, P.S.- Jakkanpur, Patna
  4. Umang Anand, Male, 32 years, son of Braj Kishore Singh Resident of Chandan Vihar, West Sant Nagar, P.O, Burari, P.S. Burari, New Delhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Bihar, Patna
2. General Manager, Bihar State Power(Holding) Company limited, Bailey Road, Patna
3. The Chairman-Cum-Managing Director, Bihar State Power(Holding) company limited, Bailey Road, Patna
4. The General manager Human Resource/ Administration, Bihar State Power(Holding) company Limited, Bailey Road, Patna
5. The Deputy General Manager, Human Resource/ Administration, Bihar State Power(Holding) Company Limited, Bailey Road, Patna

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Abhinav Srivastava<br>Advocate                                |
| For the Respondent/s | : | Mr. Rajiv Roy<br>GP-1                                             |
| For the BSPHC        | : | Mr. A. K. Ojha<br>Standing Counsel<br>Mr. A. K. Karna<br>Advocate |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 11-02-2019**

Heard the learned counsel for the parties.

The petitioners have approached this Court for setting aside of the gradation list of Assistant Electrical Engineer (General) which has been communicated by a letter



dated 01.12.2018 under the signature of a Deputy General Manager (Human Resource / Administration) of Bihar State Power (Holding) Company Limited, Bailey Road, Patna.

The reasons for the petitioners being aggrieved by the aforesaid gradation list is that the same has been prepared on the basis of the marks secured by the candidates in the examination which was conducted for appointment in various disciplines by the erstwhile Bihar State Electricity Board for which notification / advertisement was issued in the year 2011.

Mr. Abhinav Srivastava, learned advocate for the petitioners has submitted that the persons who were appointed on different posts, falling in different disciplines, were put to different questions in different subjects with different difficulty levels. At the time when the merit list was prepared, the appointments were made from the aforesaid merit list which saw the petitioners also being appointed as their names appeared in the merit list. The petitioners at that time were not aware that the same merit list would ultimately be made the gradation list thereby according seniority to such persons in



different disciplines only on the basis of marks obtained by them in the examination.

In support of the aforesaid contention, Mr. Srivastava has argued that had the system of examination been uniform, there could have been some justification of converting a merit list into a gradation list but in the event of different set of examination papers with different level of difficulty posed to the respective candidates of different disciplines, marks obtained by respective candidates in a general way could not have been made a basis for a gradation list, which ultimately fixes the seniority of the concerned persons. The situation would also have been different, it has been urged, if a common merit list would have been prepared. Separate merit lists for officers of different disciplines were published and now there is a common gradation list on the basis of marks obtained by such persons.

The learned counsel appearing for the Power Holding Company has however submitted that before the preparation of the gradation list which has been challenged in the present petition, objections were invited and only after consideration of



those objections, the final gradation list has been published. It has been submitted that the petitioners now cannot challenge the same on the sole ground of the merit list being considered as the only basis for preparation of such gradation list.

Mr. Srivastava, learned counsel for the petitioners however has submitted that the petitioners have never been communicated any response of the company on their objections and they came to know about it only with the publication / communication of the gradation list on 01.12.2013.

Under the aforesaid circumstances, this Court deems it appropriate to allow the petitioners to make a representation before the Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited, Bailey Road, Patna ventilating their grievances with respect to the mode of preparation of the gradation list, within a period of two weeks from today. On receipt of such representation within the aforesaid period, the Chairman-cum-Managing Director shall dispose off such representation with a reasoned order within a period of four weeks thereafter.



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

(Ashutosh Kumar, J)

skm/-

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