

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15419 of 2015

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Vinod Kumar Sinha, Son of Shri Umesh Kumar Sinha, resident of Mohalla-
Rajendra Nagar, Madhuban Police Station K.Hat, District Purnia

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Forest Department,
Patna.
2. The Regional Forest Protection Officer, Bhagalpur.
3. The Divisional Forest Officer, Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.P ramod Ban Bihari Singh
For the Respondent/s : Mr. Gyan Prakash Ojha, G.A.-7.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 31-01-2019

1. Heard Mr. Pramod Ban Bihari Singh, counsel for the
petitioner and Mr. Gyan Prakash Ojha, G.A.-7.

2. This writ petition has been filed for issuance of writ of
Mandamus commanding the respondents to include the name of
petitioner's firm namely, Shri Laxmi Industry, in the seniority list.

3. Counsel for the petitioner submits that petitioner has filed
application on 5.9.2013 in the office of the respondents and a receiving
was issued on 11.9.2011 by the official to the petitioner as contained in
Annexure-1 to the writ petition. He further submits that petitioner has
filed representation in terms of direction issued by respondent that old
licence holders would submit their particulars for inclusion of their
name in the seniority list. It has been submitted that respondent No. 3
sent a letter dated 25.10.2013 vide letter No. 3080 (Annexure-2) to the



respondent No. 2 stating therein that entire documents of the petitioner has been attached for publication of his name in the seniority list.

4. Counsel for the petitioner submits that respondent No. 2 sent a letter dated 29.10.2013 vide No. 1465 to respondent No. 1 stating therein that entire documents of the petitioner's industry is being enclosed for empanelling in the seniority list. The true copy of aforesaid letter dated 29.10.2013 has been enclosed as Annexure-3. The petitioner approached before the respondents from time to time but no action has been taken by them.

5. Counter affidavit has been filed by the respondent Nos. 1 and 3 wherein in paragraphs 21, 22, and 23 it is stated that petitioner has not submitted his representation in detail regarding his unit. Therefore, his name was not considered for seniority list of veneer mill and hence he is not entitled for any relief.

6. In such manner, from the aforesaid counter affidavit it appears that case of the petitioner has not been considered at the time of preparation of seniority list.

7. It is apparent from Annexure-2 and 3 that entire documents of the petitioner was sent to respondent No. 2. The respondent No. 2 vide letter No. 1465 dated 29.10.2013 sent letter to respondent No. 1 for considering the case of industry of the petitioner for inclusion in the seniority list, but no final order has been passed on the aforesaid representation of the petitioner.



8. In such circumstances, this application is disposed off with direction to the competent authority to consider the case of the petitioner on the basis of document which has been sent to them vide Annexure-2 and 3 on the basis of representation filed by the petitioner on 5.9.2013 (Annexure-1) after giving due opportunity to the petitioner and looking into all relevant documents, and pass appropriate order in accordance with law within a period of four months from the date of receipt of this order.

9. Petitioner is given liberty to file fresh representation before the competent authority along with all relevant documents as contained in Annexure-1, 2 and 3 within a period of one month from the date of passing of this order and competent authority after considering the aforesaid representation filed along with all the documents, will pass final order in accordance with law, within a period of three months, from the date of filing of such representation, by the petitioner.

10. This writ petition is accordingly disposed off.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06/01/2019
Transmission Date	

