

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10055 of 2013

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M/s Raj Enterprises through its representative and Power of Attorney holder
Md. Raza, son of late Md. Wadu, resident of village Dograbastti, P.O.
Khatiapichla, P.S. Pothia, Distt. Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment & Forest, Bihar, Patna.
2. The Principal Chief Conservator of Forest, Bihar, Patna
3. The Additional Chief Conservator of Forest, Bihar, Patna
4. The Regional Chief Conservator of Forest, Bhagalpur
5. The Conservator of Forest, Purnia Division, Patna
6. The Divisional Forest Officer, Araria Forest Division, Araria
7. The Veneer Mill Selection Committee, Bihar, Patna, through its Secretary
8. The Range Officer, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Prakash Sahay, Advocate.
For the State : Md. Fazle Karim, A.C. to S.C.-I

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT

Date : 05-04-2019

1. Heard Mr. Aditya Prakash Sahay, learned counsel for the petitioner and Md. Fazle Karim, A.C. to S.C.-1 counsel appearing on behalf the State.

2. Counsel for the petitioner submits that from the order dated 3.7.2013 it appears that till final decision is taken on the objection of petitioner and revised seniority list is published, this writ application may be kept pending.

3. In the instant writ petition the petitioner has challenged the Seniority list of Veneer Mills issued by the



Additional Principal, Chief Conservator of Forests, vide its Office Order No. 3 dated 10.01.2013 (Annexure-7) in which the names of Veneer Mill of the petitioner does not find place.

4. The State has filed counter affidavit stating in Paragraphs 16 and 19 that by a notice published in newspapers on 12.05.2013, the Veneer/Plywood owners, who were aggrieved by order No. 02-03 dated 10.01.2013 of Additional Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Bihar, were asked to submit their objections by 22.5.2013 in the office of Additional Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Bihar. Counsel for the State has further submitted that in pursuance of the notice published on 12.05.2013 inviting objections from the Plywood/Veneer Mill owners about one hundred objections were received in the office of Additional Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Bihar. The petitioner has submitted his representation with objection against the order dated 10.01.2013. The date of hearing on objections was fixed and objections were heard by the committee constituted by the State Government under chairmanship of Additional Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Bihar. The petitioner also appeared for hearing before the committee on 24.6.2013 but no



documents were produced to prove that any payment of sales tax was made before the year 2002 so as to show that said Mill has come into commercial production before 30.10.2002. Hence, on the basis of clarification made by Central Empowered Committee in its letter as contained in Annexure-A to the counter affidavit, the claim for inclusion of name of petitioner in the seniority list of Veneer Mills was rejected by the Committee. Copy of Minutes of proceeding dated 24.6.2013 has been enclosed as Annexure-C to the counter affidavit. It is mentioned in paragraph-19 of the counter affidavit that finally the seniority list of Veneer Mills of Bihar State has been published vide order No. 32 dated 22.7.2013 of Additional Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Bihar, which do not include the name of petitioner.

5. In this manner, from the counter affidavit filed on behalf of the State, it appears that now fresh seniority list has been prepared by the department by order No. 32 dated 22.7.2013 passed by Additional Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Bihar, in which the name of this petitioner has not been included.



6. In such circumstances, this writ application which has been filed against the earlier seniority list prepared by order No. 02-03 dated 10.01.2013, has become infructuous.

7. Petitioner seeks liberty to challenge the new seniority list published vide Order No. 32 dated 22.7.2013 of Additional Principal Chief Conservator of Forest-cum-Chief Wildlife Warden, Bihar, wherein his name has not been included.

8. This writ petition is accordingly disposed off with liberty to the petitioner to seek legal remedy against the fresh seniority list published by the Respondent vide order No. 32 dated 22.07.2013. The delay in challenging the aforesaid seniority list will be condoned by the Respondents in accordance with law since the petitioner was pursuing remedy in this Hon'ble Court.

9. This writ petition is accordingly disposed off.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12/04/2019
Transmission Date	

