

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1109 of 2022

1. Ram Kishore Mishra Son of Late Awadh Mishra, Resident of Flat No. 310, Hope Shivalik Apartment, Anandpuri, Boring Canal Road, Patna District - Patna formerly posted at Jt. Secretary, Transport Department, Government of Bihar, Patna.
2. Sohan Kumar Thakur, Son of Late Nilamber Thakur, Resident of Village and P.O.- Muradpur, P.S.- Nauhatta, District - Saharsa formerly posted at Jt. Chief Election Officer cum Jt. Secretary, Department of Election, Government of Bihar, Patna.
3. Sanjay Kumar, Son of Late Gokpal Prasad, Resident of Village - Srirampur, Village and P.O.- Bihta, District - Patna formerly posted at Jt. Secretary, Rural Works Department, Government of Bihar, Patna.
4. Brijraj Rai, Son of Late Ramakant Rai, Resident of Village and P.O.- Awathahi, District - Gazipur (U.P.) formerly posted at Jt. Secretary, Department of Cabinet Secretariat, Government of Bihar, Patna.
5. Birendra Kumar Mishra, Son of Sri Jaichandra Mishra, Resident of Village and P.O.- Kothia, Via - Jhanjharpur, District - Madhubani, formerly posted at Director, Land Acquisition, Department of Revenue and Land Reforms, Government of Bihar, Patna.
6. Md. Naushad Yusuf, Son of Late Md. Yushuf Hasan, Resident of 201, Noor Apartment, New Patliputra, P.S.- Patliputra, Patna, District - Patna, formerly posted at District Magistrate, Begusarai, Bihar.
7. Radheshyam Sah, Son of Late Laxmi Kant Sah, Resident of Village and P.O. - Jaipur, District - Banka, formerly posted at Director, Animal Husbandry, Government of Bihar, Patna.
8. Neel Kamal, Son of Late Kamla Prasad Mahto, Resident of Village - Jawahar Nagar, P.O.- Khajaha, District - Purnea, formerly posted at O.S.D. Bihar Vikas Mission, Government of Bihar, Patna.
9. Ashok Kumar Singh, Son of Late Krishna Padarth Sinha, Resident of Village and P.O.- Atahari, P.S.- Runni Saidpur, District - Sitamarhi, formerly posted at Jt. Secretary, Department of Tourism, Government of Bihar, Patna.
10. Ajay Kumar Srivastava, Son of Late Satyanarayan Prasad, Resident of Village and P.O.- Brahmpura (M.I.T.) P.S. - Brahmpura, District - Muzaffarpur, formerly posted at Secretary, State Information Commission, Bihar, Patna presently residing at Road No. 38, House No. 325, New Patliputra Colony, P.S.- Patliputra, District - Patna - 800013.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Personnel and Public Grievances and Pensions, Department of Personnel and Training, North Block, New Delhi.
2. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Old Secretariat, Patna, Bihar.



4. The U.P.S.C. through its Secretary, Dholpur House, Shahjahan Road, New Delhi - 110069.
5. Sri Aditya Kumar Das, Son of Sita Ram Das, resident of Navratna Hata, P.O. and P.S. Purnia, District - Purnia formerly posted as Excise Commissioner, Government of Bihar, Patna presently residing at E5, Krrish Mathura Apartment, Shanti Bihar Colony, Khajpura, Patna - 800014.
6. Sunil Kumar, Son of Harinarayan Prasad Verma, Resident of 102-D, Harendra Villa, Gardanibagh, District - Patna formerly posted as District Magistrate, Lakhisarai.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10543 of 2020

Union of India through Udai Bhan Singh (M) aged about 51 years, the Secretary, Ministry of Personal and Public Grievances and Pensions, Department of Personnel and Training North Block, New Delhi.

... .. Petitioner/s

Versus

1. Ram Kishore Mishra S/o Late Awadh Mishra, Puri Resident of Flat no. 301, Hope Shivalik Apartment, Anandpuri, Boring Canal Road, P.O. and P.S. Sri Krishna, District - Patna, presently posted as Jt. Secretary, Transport Department, Government of Bihar, Patna.
2. Sohan Kumar Thakur, Son of Late Nilambaer Thakur, aged about not known, resident of Vill. and P.O. Muradpur, P.S. Nauhatta, Distt.- Saharsa at present posted at Jt. Chief Election Officer cum Jt. Secretary, Department of Election, Govt. of Bihar, Patna.
3. Sanjay Kumar @ Sanjay Kumar, Son of Late Gopal Prasad, aged about not known, resident of Village - Srirampur, Vill. and P.O.- Bihta, Dist. - Patna at present posted as IT Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. Brijraj Rai, Son of Late Ramakant Rai, resident of Village and P.O.- Awathahi, Distt. Ghazipur (U.P.) at present posted as Jt. Secretary, Deptt. of Cabinet Secretariat, Govt. of Bihar, Patna.
5. Birendra Kumar Mishra, Son of Sri Jaichandra Mishra, aged about not known, resident of Village and P.O. - Kothia, Via-Jhanjharpur, Distt.- Madhubani at present posted as Director, Land Acquisition, Deptt. of revenue and Land Reforms, Govt. of Bihar, Patna.
6. Sunil Kumar, Son of Sri Harinarayan Prasad Verma, aged about not known, resident of 102-D Harendra Villa, Gardanibagh, Patna at present posted at District Magistrate, Lakhisarai, Bihar.
7. Md. Naushad Yusuf, Son of Late Md. Yusuf Hasan, aged about not known, resident of 201, Noor Apartment, new Patliputra, P.S.- Patliputra, Patna, Distt.- Patna at present posted at District Magistrate, Begusarai, Bihar.
8. Radheshyam Sah, Son of Late Laxmikant Shah, aged about not known, resident of Village and P.O. Jaipur, Distt. Banka, at present posted at



Director, Animal Husbandry, Govt. of Bihar, Patna.

9. Neel Kamal, Son of Late Kamla Prasad Mahto, aged about not known, resident of Village - Jawahar Nagar, P.O.- Khajaha, Distt. - Purnea, Bihar at present posted as O.S.D, Bihar Vikas Mission, Govt. of Bihar, Patna.
10. Ashok Kumar Singh, Son of Late Krishna Padarath Sinha, aged about not known, resident of Village and P.O. - Brahmpura (M.I.T), P.S. Brahmpuram, Distt.- Muzaffarpur at present posted at Secretary, State Information Commission, Bihar, Patna.
11. Ajay Kumar Srivastava, Son of Late Satyanarayan Prasad, aged about not known, Resident of Vill and P.O.- Brahmpura (M1. TPS Rampur, Distt.- Muzaffarpur at present posted at Secretary, State Information Commission, Bihar, Patna.
12. The State of Bihar through Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
13. The Principal Secretary, Department of General Administration, Govt. of Bihar, Old Secretariat, Patna.
14. The UPSC thorough its Secretary, Dholpur House, Sahjahan Road, New Delhi.
15. Shri Shashi Kant Tiwari, Son of aged about not known,
16. Shri Narendra Kumar Singh, Son of aged about not known,

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1109 of 2022)

For the Petitioner/s : Mr. Kumar Kaushik, Advocate

For the Respondent/s : Mr. Anshuman Singh, CGC
Mr. Sriram Krishna, Advocate

(In Civil Writ Jurisdiction Case No. 10543 of 2020)

For the Petitioner/s : Mr. Kanak Verma, CGC

For the Respondent/s : Mr. Kumar Kaushik, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-10-2022

CWJC No. 1109 of 2022

Heard learned counsels for the respective parties.



2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“i. For issuance of an order, direction or a writ of certiorari for quashing and setting aside the order dated 29.11.2019 passed in O.A. No. OA/050/00768/2016 by the Learned Central Administrative Tribunal, Patna Bench, Patna to the extent to which the prayer of the writ petitioners to allow weightage of a maximum of 10 years in the year of allotment in the Indian Administrative Service in terms of Regulation 3 (2) of the Indian Administrative Service (Regulation of Seniority) Rules, 1987 as it stood prior to its amendment notified on 18.04.2012 has not been allowed by the Learned Tribunal despite the fact that the aforesaid amendment is not applicable to the case of the writ petitioners who were selected against vacancies of the year 2012 for which cut-off date ought to be 01.01.2012 which is prior to the publication of the amendment. The petitioners are not aggrieved by the other direction given by the Learned Tribunal to the respondents to fix the year of allotment of the applicants ignoring the fact of allotment of year 2006 to Sri Aditya Kumar Das within a period of three months from the date of receipt of this order.

ii. For issuance of an order, direction of a writ of mandamus to the respondent authorities to allow the maximum weightage of 10 years to the writ petitioners in terms of rule of the unamended, Regulation 3 (2) of the Indian Administrative Service (Regulation of Seniority) Rules, 1987.”

3. The petitioners are retired I.A.S. officers. Their grievance before the Central Administrative Tribunal, Patna Bench, Patna (in short ‘the Tribunal’) is that they are entitled to year of allotment



2002/2003 depending upon the service particulars of each of the petitioners.

4. During pendency of the original application before the Tribunal, first respondent has altered the year of allotment from the year 2006 to 2005 on 01.03.2018. The aforesaid document was brought on record before the Central Administrative Tribunal in original application No. OA/050/00767/2016 by the State – respondent. However petitioners have not questioned the validity of alteration of year of allotment from the year 2006 to 2005 in the guise of seeking year of allotment 2002/2003. The Tribunal proceeded to pass order that the petitioners are not entitled to year of allotment 2002/2003 with reference to relevant Rules read with amendment of Rules dated 18.04.2012. In the absence of challenging later development that the petitioners have been provided alternative year of allotment from the year 2006 to 2005 on 01.03.2018. In the result, we cannot decide as to whether petitioners are entitled for year of allotment 2002/2003 in the absence of challenge to allotment of year 2005 on 01.03.2018. In the light of these facts and circumstances, finding given by the Tribunal would not come in the way of challenging notification/order dated 01.03.2018 in assigning year of allotment 2005 to the petitioners. In the event of filing O.A. in challenging



01.03.2018 before the Tribunal and in accordance with law, the Tribunal is requested to re-examine once again whether the petitioners are entitled to cancellation of year of allotment 2005 with reference to notification/order dated 01.03.2018. Further are they entitled to year of allotment 2002/2003 or not.

5. With the above observation, writ petition stands disposed off.

CWJC No. 10543 of 2020

Registry is hereby directed to de-link C.W.J.C. No. 10543 of 2020.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.10.2022
Transmission Date	

