

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4831 of 2021

Sanjay Kumar Gupta S/o-Shiv Parsan Lal Gupta R/o-Village-Koilwar, P.S.-
Koilwar, District-Bhojpur, at Present Posted as Junior Engineer, Central
Building Division Patna, P.S.-Sachivalya, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief, Building Construction Department, Government of Bihar, Patna.
3. The Engineer in Chief, Road Construction Department, Government of Bihar, Patna.
4. The Deputy Secretary, Building Construction Department, Government of Bihar, Patna.
5. The Deputy Secretary, Road Construction Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Avinash, Advocate
For the Respondent/s	:	Mr. R.B. Pd. Yadav, AAG 11

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 01-02-2022

This matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 Pandemic.

In the instant petition, petitioner has prayed for the
following relief(s):-

*“(1) For issuance of a writ in
the nature of ‘Mandamus’ commanding
and directing the respondents to
Correct the gradation list of Building
Construction Department issue in the
year 2015 as per Selection merit list
and accordingly give privilege of
promotion such as similar person who
obtained promotion even them have*



less selection merit list than the petitioner.

(IA). For issuance of such other writ /writs, order/ orders, direction/directions, for which the petitioner found entitled to.”

The grievance of the petitioner is for the purpose of correction of gradation list of Building Construction Department issued in the year 2015. The petitioner is required to question the validity of final selection list by which he has been assigned to particular serial number/seniority. Unless ranking in the seniority list is questioned there is no question of particular rank is to be assigned to the petitioner and extending relief sought in the present petition.

Accordingly, the present petition is dismissed reserving liberty to question the validity of rank assigned in the seniority list in accordance with law.

At this stage, learned counsel for the petitioner submitted that petitioner's representation has not been considered.

The concerned respondent is hereby directed to examine the petitioner's representation as to whether he has questioned the validity of seniority/rank assigned in the provisional seniority list. Once the seniority list is prepared by the official respondent the same cannot be modified by the officials unless any clerical error is stated to have been committed by the official respondent.



Moreover, petitioner has not apprised seniority list of which cadre. In fact for claiming any ranking in a seniority list one must produce seniority list, C & R, provisional seniority list, he/she has to implead immediate seniors etc., therefore the present petition is bereft of material information.

The present petition stands dismissed with cost of Rs. 10,000/-. Cost shall be remitted by the petitioner in the Patna High Court Legal Services Committee within a period of one month. If the cost is not paid the same shall be recovered from the petitioner towards arrears of land revenue by the concerned District Magistrate.

(P. B. Bajanthri, J)

Vikash/-

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

