

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4547 of 2018

1. Shailesh Kumar, Son of Sri Baudhi Pandit, Residen of At- Barhouna, P.S.- Barahat, District- Banka.
2. Amarendra Kumar, Son of Late Kamta Sinha, Resident of Flat No. A- 407, Mudeshwari Enclave, Akashwani Road, P.S.- Rajiv Nagar, District- Patna.
3. Samal Deo Kumar, Son of Late Yogendra Paswan, Resident of C/o Sri Ram Ekbal Paswan, VillagePost- Guramia, P.S.- Kartahan, Via- Dharhara, District- Vaishali.
4. Ravi Kumar Suman, Son of Sri Chandeshwar Pandit, Resident of Officers Flat, Q.No. 65/84, New Punaichak, P.S.- Shastri Nagar, District Patna.
5. Avinash Jha, Son of Late Nirmal Narayan Jha, Resident at- 303, Vatsa Akanksha Apartment, Gandhi Path, North S.K. Puri, P.S.- Patliputra, District- Patna.
6. Rajnish Kumar, Son of Sri Manmohan Prasad, Resident of Mohalla- Shastri Nagar, P.S.- Giridih, District- Giridih Jharkhand.
7. Amit Kumar, Son of Sri Sitaram Mahto, Resident of Village- Marhia, P.S.- Sonbarsa, District- Sitamarhi.
8. Prabhakar, Son of Late Keshav Dayal, Resident of Flat No.203, Ravi Shankar Apartment, Ashokpuri, Khajpura P.S.- Rajiv Nagar, District- Patna.
9. Ravi Shankar Prasad Ravi, Son of Sri Surya Narayan Prasad, Resident of Ram Rahim Road, Purani Bazar, Ward No.3, P.S.- Madhepura, District- Madhepura.
10. Avinash Kumar, Son of Sri Jawahar Lal Gupta, Resident of Village- Barwa, Via- Chhoradano, P.S.- Barwa, District- East Champaran.
11. Uma Shankar Prasad, Son of Sri Rampadarath Singh, Resident of Village- Banwariput, P.S.- Hilsa, District- Nalanda.
12. Kamal Kant, Son of Sri Baban Ram, Resident of Flat No. 303, Nageshwar Tower, Near P.N.B., Punaichak, P.S.- Shastri Nagar, District- Patna.
13. Kameshwar Prasad, Son of Late Janki Sah, Resident of Village- Gobrahi, Dorwar, P.S.- Jainagar, District- Madhubani.
14. Sunil Kumar, Son of Sri Dev Nandan Prasad, Resident at Flat No. 102/E, Jagmano Apartment, Rukanpura, P.S.- Rupaspur, District- Patna.
15. Sandeep, Son of Late Arjun Prasad, Resident at Flat No. 101, R.K. Narayan Apartment, Mitramandal Colony, Anisabad, P.S.- Gardanibagh, District- Patna.
16. Samrendra Nath Jha, Son of Sri Bihari Jha, Resident at- B- 408, Jamuna Enclave, R.P.S. More, P.S.- Rupaspur, District- Patna.
17. Ajay Kumar, Son of Sri Bahuri Tanti, Resident of Flat No. B-44, A.G. Colony, P.S.- Rajiv Nagar, District- Patna.
18. Manoj Kumar, Son of Sri Ramesh Prasad Singh, Resident of Village- Mominpur, Silari, P.S.- Karagahar, District- Rohtas.
19. Ravi Kant, Son of Sri Bhagwat Prasad, Resident of New Yarpur, Janta Road,



P.S.- Gardanibagh, District- Patna.

20. Subhash Chandra Sriharsh, Son of Sri Triloki Prasad, Resident of Village- Barhari, Pathraura, Via- Rajgir, P.S.- Chahabelapur, District- Nalanda.
21. Vikash Chandra, Son of Late Girish Chandradeo Prasad, Resident at Flat No.- 203/C, Bidya Vihar Apartment, Friends Colony, Road No.4, P.S.- Rajiv Nagar, District- Patna.
22. Gopal Singh, Son of Late Jagdish Singh, Resident of Village- Amir Bigha, P.S.- Kalar, District- Arwal.
23. Ritesh Chandra Sinha, Son of Shri Kailash Chandra Sinha, Resident at Flat No.202, Ashkuer Apartment, Mazar Gali, Raja Bazar, P.S.- Shastri Nagar, District- Patna.
24. Sanjiv Kumar Singh, Son of Late Lal Bahadur Singh, Resident at House No. A/12, Near Indu Bhawan, West Boring Canal, P.S.- Shastri Nagar, District- Patna.
25. Mithilesh Kumar, Son of Sri Sonphi Lal Pandit, Resident of C/o Atendra Nath Jha, Near N.P. Mishra Chawk, P.S.- Laheriasarai, District- Darbhanga.
26. Arun Kumar, Son of Late Jagdish Prasad, Resident of Village- Lilabigha, P.S.- Varisliganj, District- Nawada.
27. Sikandar Paswan, Son of Devnarayan Paswan, Resident of Village- Daulatpur, P.S.- Rosara, District- Begusarai.
28. Prem Shanker, Son of Surajnath Baitha, Resident of Village- Chhata, P.S.- Masaurhi, District- Patna.
29. Ranjeet Kumar, Son of Sri Dayal Prasad, Resident at Flat No. GB-05, Maa Shanti Vihar Apartment, Bailey Road, P.S.- Rupaspur, District- Patna.
30. Gyan Chandra Das, Son of Late Shiv Das, Resident of Ashok Nagar, Road No.-14, Kankarbagh, P.S.- Kankarbagh, District- Patna.
31. Jeetan Kumar Chaudhary, Son of Sri Budhlal Chaudhary, Resident of Indinpur, Mahimapur, P.S.- Tekari, District- Gaya.
32. Kamlesh Kumar Choudhary, Son of Sri Gupteshwar Choudhary, Resident of VillagePost- Samsher Nagar, P.S.- Daud Nagar, District- Aurangabad.
33. Narsingh Kumar, Son of Late Harihar Prasad, Resident of Village- Akbarpur, P.S.- Akbarpur, District- Nawada.
34. Akshay Kumar, Son of Sri Ram Suresh Ram, Resident of House of Awadh Bihari Singh, Sri Nath Nagar, Ramnagri Road, P.S.- Rajivnagar, District- Patna.
35. Om Prakash, Son of Rajendra Prasad, Resident of Jagdeo Path, P.S.- Rajiv Nagar, District- Patna.
36. Ranjeet Kumar, Son of Sri Sitaram Modi, Resident of Village- Khaira, P.S.- Khaira, District- Jamui.
37. Rup Narayan Sharma, Son of Late Ramotar Thakur, Resident of New Vikramshila Colony, Near Pirbaba Asthan, Tilakamanjhi, P.S.- Tilakamanjhi, District- Bhagalpur.
38. Ashok Kumar Singh, Son of Late Ram Lalit Singh, Resident of Village- Kadilpur, Via- Desari, P.S.- Jandaha, District- Vaishali.



39. Sanjit Kumar, Son of Sri Jai Prakash Sharma, Resident at Khajpura, Bailey Road, P.S.- Rajiv Nagar, District- Patna.
40. Asad Intekhab Nayar, Son of Nayar Azam, Resident at B/S, Wali Court Apartment, Khajpura, Bailey Road, P.S.- Rajiv Nagar, District- Patna.
41. Jamil Ahmad, Son of Md. Hashim Ansari, Resident of Nawab Road, P.S.- Chandwara, District- Muzaffarpur.
42. Mukesh Kumar, Son of Kailash Sao, Resident at Vivek Nagar, Road No.1, Hanuman Nagar, P.S.- Kankarbagh, District- Patna.
43. Kanti Bhushan, Son of Sri Satish Kumar Sinha, Resident of Flat No.10, Block No.02, H.I.G.B.H. Colony, Bhuthnath Road, P.S.- Agamkuan, District- Patna.
44. Brijnandan Kumar, Son of Sri Jaglal Prasad, Resident at Flat No.405, Artek Apartment, behind Axis Bank, Ashiyana Digha Road, P.S.- Rajiv Nagar, District- Patna.
45. Rajeev Kumar, Son of Sri Keshwar Prasad, Resident at House No. DC- 30, 2nd Floor, P.C. Colony, P.S.- Kankarbagh, District- Patna.
46. Brajesh Kumar, Son of Sri Rajeev Nayan Sinha, Resident of Village- Bilari, P.S.- Warisliganj, District- Nalanda.
47. Krishna Kumar, Son of Dr. Sri Ram Singh, Resident of Village- Lodipur Chamhera, P.S.- Ekangarsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Road Construction Department, Bihar, Patna.
3. The Additional Secretary, Road Construction Department, Bihar, Patna.
4. The Joint Secretary Management Cell, Road Construction Department, Bihar, Patna.
5. The Deputy Secretary, Road Construction Department, Bihar, Patna.
6. The Secretary, Bihar Public Service Commission, Patna.
7. Arvind Kumar, Son of Late Deodhari Singh, at Flat No. B-102, Sapna Apartment, Ramnagri Road, P.O.- Ashiana Nagar, P.S.- Rajivnagar, Dist- Patna.
8. Dhananjay Kumar, Son of Sri Surya Dev Singh, Resident of Village P.O.- Ramnagar, P.S.- Khudwan, District- Aurangabad, presently residing at Narayan Sadan, Kharanja Road, Saguna More, Danapur Cantt.
9. Nawal Kishore Singh, Son of Late Ramjee Prasad Singh, Resident of Village P.O.- Daudpur, P.S.- Shahpur, District- Patna.
10. Pramod Kumar Rai, Son of Sri Taluk Raj Rai, Resident of Village P.O.- Pipra Mardanrai, P.S.- Kargahar, District- Rohtas at Sasaram.
11. Manoj Kumar, Son of Late Bangali Chaudhary, Resident of Village P.O.- Aat, P.S. District- Nalanda at Biharsharif.
12. Bhupendra Kumar Srivastava, Son of Late Tarkeshwar Prasad, Resident of Village P.O.- Auarai, P.S.- Dawat, District- Rohtas Sasaram.



13. Sanjiv Kumar, Son of Sri Dasrath Rajak, At Vikasnagar, P.O.- Government Polytechnic, Purnea, District- Purnea.
14. Binod Bihari, Son of Late Ishwar Nath Sah, At Azad Gali, Boulia Road, Noorangganj, Sasaram, District- Rohtas at Sasaram.
15. Munindra Thakur, Son of Sri Ram Bahadur Thakur, Resident of Village- Jhitaki, P.O.- Bhangama, P.S.- Narhiya, District- Madhubani.
16. Karunesh Kumar Singh, Son of Sri Ambika Prasad Singh, Resident of VillageP.O.- Sugia, P.S.- Sheohar, District- Sheohar.
17. Alok Kumar, Son of Sri Ganauri Prasad Mandal, At New Sheopuri Colony, Near Airport, Tilkamanjhi, P.S.- Kotwali, District- Bhagalpur.
18. Krishnanand Singh, Son of Late Ram Sevak Singh, VillageP.O.- Eghara, P.S.- Meyari Bazar, District- Rohtas at Sasaram.
19. Nawal Kishore Pandit, Son of Sri Ram Prakash Pandit, Resident of Village- Hathauri, P.S.- Narma, District- Muzaffarpur.
20. Narayan Das, Son of Late Krishna Deo Prasad Gupta, Resident of VillageP.O.- Ratani Bazar, P.S.- Ratani Bazar, District- Jehanabad.
21. Sanjay Kumar Gupta, Son of Late Laxmi Prasad, Resident of VillageP.O.- Mathiya, P.S.- Lauria, District- West Champaran.
22. Saket Kumar Raushan, Son of Sri Potan Ram, Resident of Village- Harnichak, Near IOC- Pipeline, P.S.- Anisabad, District- Patna.
23. Tulsi Prasad, Son of Sri Sheomurat Ram, Resident of Village- Dhanihan, P.O.- Durgawah, District- Kaimur at Bhabhua.
24. Shiv Shankar Prasad, Son of Sri Laxmi Sahu, Resident of VillageP.O.- Kotiya, P.S.- Jhanjharpur, District- Madhubani.
25. Rajesh Kumar, Son of Sri Ram Padarath Singh, Resident of VillageP.O.- Meghaul, District- Begusarai.
26. Arbind Kumar Sinha, Son of Late Gaya Ram, Resident of Village-P.O.- Gundi, P.S.- Krishnagarh Saraiya, District- Bhojpur at Ara.
27. Ranjay Kumar, Son of Sri Rajendra Singh, Resident of Village- Sabalpur, P.O.P.S.- Rajgir, District- Nalanda.
28. Vijay Kumar, Son of Sri B.P. Singh, Resident of Village- Veena Bhawan, Son of 3/19, Purnendu Nagar, Phulwarisharif, District- Patna.
29. Birendra Kumar Singh, Son of Bindeshwari Singh, Resident of VillageP.O.- Indrar, District- Aurangabad.
30. Surendra Narayan, Son of Late G.N. Singh, Resident of VillageP.O.- Sikrahta, District- Bhojpur at Ara.
31. Ramashankar Prasad, Son of Late Radhakishun Prasad, Resident of Village- Meghwar, P.O.- Sarari, P.S.- Jamo Bazar, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr.Prabhu Nath Pathak, Advocate
For the State	:	Mr.U.S.S. Singh, GP19



For the Private Respondents : Mr.Y.V.Giri, Sr. Advocate
Mr.Pranav Kumar, Advocate
For the Intervenors : Mr.Y.V.Giri, Sr. Advocate
Mr.Prashant Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

13 19-12-2022 Learned counsel for the petitioners, learned counsel for the State, learned counsel representing the private respondents as well as learned counsel representing the petitioners of I.A. No. 4 of 2020 for intervention, are present.

2. The petitioners of the interlocutory application bearing I.A. No.4 of 2020, have subsequently filed *C.W.J.C. No. 2971 of 2020* wherein they have assailed the communication dated 18.09.2019 issued by the Government in the Department of Rural Works Department bearing No. 6701. The same communication is said to be the cause of action based on which the petitioners had earlier filed the interlocutory application.

3. Since the same communication is now substantively assailed by way of a fresh writ proceedings, I.A. No. 4 of 2020 stands disposed of and the issue is left open to be considered in *C.W.J.C. No. 2971 of 2020*.

4. Since an objection dated 20.11.2018 has been filed assailing the provisional gradation list dated 06.11.2018 and the matter is pending consideration before the



Authorities, learned counsel for the petitioner agrees that this writ application need not be kept pending. Learned counsel for the petitioner, however, raises an apprehension that since the issue of determination of *inter se* seniority has to be considered with reference to the extant rules and regulations, the Authorities would be required to consider the same in detail.

5. It is needless to say that when consideration is to be accorded by the authorities, and since this Court has not expressed any opinion on the merits of the matter, it is open to the authorities to consider all issues in accordance with law.

6. Writ application is disposed of.

(Madhuresh Prasad, J)

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