

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2869 of 2021

1. The State of Bihar, through the Secretary, Department of Environment and Forest, Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The Divisional Forest Officer, Mithila Forest Division, Darbhanga.
4. Chairman-cum-Commissioner, Saw Mill Selection Samiti, Darbhanga Division.
5. Forest Ranger, Muzaffarpur Anchal, District Muzaffarpur.

... .. Petitioner/s

Versus

Jagan Nath Das, S/o Sri Laxmi Das, resident of village Denwari, Ladaniya, P.S. Ladaniya, Dist. Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Rajat Kumar Tiwary, AC to AAG-13
For the Respondent/s : Mr. Sunil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 08-12-2022

Heard Mr. Rajat Kumar Tiwary, learned counsel
for the State/petitioner and Mr. Uday Bhanu Roy for the
sole respondent.

This writ petition has been preferred against the order passed by the learned 2nd Additional District and Sessions Judge, Madhubani in Misc. Appeal No. 08 of 2013 whereby the State has been directed that the Saw Mill of



the respondent be considered for its inclusion in the seniority list in case the Saw Mill of the respondent qualifies on other counts. The further direction of the learned District Judge is that after including the name of the Saw Mill of the respondent in the seniority list, process must be initiated for its renewal.

The learned counsel for the petitioner, while challenging the aforesaid order, has submitted that certain necessary facts were not taken into account by the learned District Judge when such an order was passed.

The respondent had applied for license for Saw Pit mill under Bihar Saw Mills (Regulation) Act, 1990 and was granted one with a License No. NIDB/33/95 dated 24.05.1995 for establishment and operation of the Saw Pit for the year 1995 only. Thereafter, from time to time, on the application by the respondent, the license of the Saw Pit was renewed uptill 1998. In 1998, an application was made by the respondent for renewal of license of the Saw Mill under the Bihar Saw Mills (Regulation) Act, 1990.



The request for conversion does not appear to have been allowed but since 1999, the license of the respondent was renewed as a licensee to run the Saw Mill and not Saw Pit. This continued till 2001. When an application was again made in the year 2002 for renewal of Saw Mill license, the anomaly was detected. It was at this time that several representations were made by the respondent for renewal of the license of Saw Mill and not Saw Pit. The request was finally rejected by the Divisional Forest Officer, Darbhanga vide his order dated 31.12.2012 wherein it was held that there appeared to be some unholy alliance between the employees of the department and the respondent whereby a Saw Pit license, without any requisite order of conversion, was renewed for several years as a Saw Mill license.

The aforementioned order was never challenged by the respondent.

It further appears from the records that when the name of the Saw Mill of the respondent was not included



in the seniority list qua the other Saw Mills operating in the area, a writ petition was filed by the respondent vide CWJC No. 1718/2013. In the aforementioned writ petition, the sole challenge was to the exclusion of the Saw Mill of the petitioner from the seniority list. The Bench, hearing the matter, vide order dated 29.01.2013, disposed of the writ petition with a liberty to the respondent to file an appeal before the Appellate Authority/District Judge of the concerned district. The Bench further directed the appellate authority to pass an appropriate order as expeditiously as possible in case such application was filed within two weeks from the passing of the order.

Based on the aforementioned direction, the respondent preferred Misc. Appeal No. 08 of 2013. The above noted facts were never brought to the notice of the appellate authority and therefore, the appellant was directed to include the name of the Saw Mill of the respondent in the seniority list and also proceed for renewal of his license.



With the order of the District Forest Officer, Darbhanga, having rejected the request of conversion of the Saw Pit license into a Saw Mill license, which order was not challenged, there was no way in which the respondent could have asked for inclusion of the name of his mill in the seniority list of Saw Mills of the area.

For the aforementioned reason namely the Misc. Appeal No. 08 of 2013 having been decided by the learned appellate authority without adverting to the aforementioned facts, we set aside the order.

However, the sole respondent shall have the liberty to challenge the order of the District Forest Officer, refusing to convert the Saw Pit license of the petitioner into the Saw Mill as, according to him, there is no foul play when on mere application for renewal of license, renewal was made for Saw Mill and not Saw Pit.

In the event of the respondent succeeding in the aforesaid effort, he may approach the authorities afresh for inclusion in the seniority list and, in case of refusal,



such action could again be agitated before the appellate authority.

With the aforementioned direction/observation, the petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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