

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15835 of 2015

1. Shatrughan Prasad Sinha son of late Sri Mathura Prasad Sharma, presently working as Acting General Manager, District Industries Centre, Madhubani
2. Satyendra Kumar s/o late Gopal Sharan Gupta, presently working as Acting General Manager, District Industries Centre, Munger
3. Damodar Tiwari s/o Sri Sudama Tiwari, presently working as Project manager, District Industry Centre, Begusarai,
4. Barun Kumar son of Kammeshwar Sao, presently working as Project Manager, District Industry Centre, Banka,
5. Ram Kishore Kumar s/o Shiv Lakhan Sharma, presently working as Project Manager, District Industry Centre, Gaya
6. Ram Prappan Chaudhary son of Sri Kishori Sharan Chaudhary, presently Working as Project Manager, District Industry Centre, Begusarai
7. Ashok Kumar Son of Upendra Prasad Sharma, presently working as Project manager, District Industry Centre, Dharbhangan and Additionally as Assistant Director, Handloom and Sericulture Directorate, Dept of Industries, Bihar, Patna.
8. Anand Moham Singh s/o Late Bal Mukund Singh, presently posted at Directorate of Handloom and Sericulture, Dept of Industries, Bihar, Patna.
9. Ashutosh Vinay Kumar son of late Uma Shankar Singh, presently working on deputation at Directorate of Handloom and Sericulture, Dept of Industries, Bihar Patna.
10. Ashok Kumar Deo son of Upendra Praad Deo, presently working at Weaver's training centre Biharsharif, Nalanda, and on deputation at District Industries Centre, Banka.
11. Upendra Kumar Verma, son of Ram Nath Pal, presently working at Hast Katgha Saghan Vikash Yojna, Bhagalpur.
12. Om Prakash Singh s/o Sri Brijnandan Singh, presently working as Technical Supervisor, Hastkargha Sudrhikaran Yozana, Aurangabad.
13. Lalan Kumar son of Sri Brij Kishore, Sharma, presently working as Project Manager, District Industry Centre, Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Dept of Industries Govt. of Bihar, Patna,
3. Principal Secretary, Personnel and Administrative Reforms Dept. Govt. of Bihar, Patna
4. Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
5. Director Directorate of Handloom and Sericulture, Department of Industries, Government of Bihar, Patna.
6. Rajani Kant Ranjan son of Sri Ram Das Sharma, presently working as



Technical Supervisor, Hast Kargha Saghan Vikash Yojna o/o Dy. Development Officer (Textile), Biada Building, Opp. R.K. Ashram, Bela, Muzaffarpur.

7. Mahesh Kumar s/o Raj Vansh Singh, presently as Technical Supervisor, Hast Kargha Sudrihikaran Yojna, o/o Dy. Development Officer (Textile), DIC, Karimganj, Gaya
8. Manoj Pathak s/o Sri Bhola Pathak, presently posted as Supervisor Weaver's Training Centre, Chakand, Gaya.
9. Ganesh Prasad son of Yadunandan Prasad, presently working as Marketing Officer, o/o Assistant Registrar, Co operative Societies (Handloom) Rajendra Nagar, Patna deputed at Dept. of Industries, New Secretariat, Patna.
10. Sri Ram Singh son of late Bishundeo Singh, presently working as Superior weaver's Training Centre, Kako, Jahanabad
11. Narendra Kumar son of Sri Vishwanath Prasad Singh, presently working on deputation at Department of Industries, Gov of Bihar, Vikas Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Adv.
For the Respondent/s : Mr.Rajeev Ranjan, AC to GP-20
For the Pvt. Respondent : Mr.Upendra Kumar Upadhyay, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-09-2023 1. The present writ petition has been filed seeking the following relief(s):-

“1. That, the petitioners challenge and dispute the legality and validity of Memo No.54 dt. 3.1.86, Memo No.55 dt. 3.1.86 & Memo No.3765 and No.3766 Patna, dt.9.9.86 whereby and whereunder private respondents no.6 to 11 were illegally appointed on the post of Assistant Supervisor in the Directorate of Handloom and Sericulture, Govt. of Bihar on ad hoc basis for six months only and were illegally posted on the next higher post of Technical Supervisor, Supervisor sizing Jobber/Technical Assistant and thereafter



extended time to time and latter on by order bearing Memo No.2185 dt.14.8.97 and Memo No.2186 dt.14.8.97 and modified order bearing Memo No.955 dt.2.5.98 their ad hoc appointment were regularized on the same next higher post with effect from the date of their initial ad hoc appointment as Assistant Supervisor, whereas prior to that i.e. in 1996 petitioners has already been duly appointed through Bihar Public Service Commission on the same sanctioned vacant post of Technical Supervisor, Supervisor Sizing Jobber/Technical Assistant and other similar post in the Directorate of Handloom and Sericulture, Govt. of Bihar and as such appointment of private respondents be quashed and set aside.

It is further respectfully stated that in the said regularization letter bearing Memo No.2185 dt. 14.8.97 and Memo No.2186 dt.14.8.97 it has been clearly mentioned that so far as seniority is concerned decision will be taken latter on since thereafter matter of seniority was kept pending by the govt. for several years and only in 2005 a provisional gradation list contained in Memo No.521 dt. 4.5.05 was published and objection was also invited from the petitioners, private respondents and other cadre members.

Petitioner and other members of cadre filed their respective objection and then final gradation list was published vide Memo No.1575 dt.28.8.09,



wherein direct appointees including petitioners were considered senior from the ad hoc appointees -private respondents as they were regularized much after appointment of petitioners.

But, against the final gradation list dt. 28.08.2009, private respondents came before this Hon'ble Court vide No.17484 of 2008, and the same has been disposed off vide order dt.06.04.15 with direction to rearrange seniority of petitioners (Private Respondents of this case) viz a viz private respondents (Petitioners of this case).”

2. At the outset, the learned counsel for the petitioners submits that during the interregnum period, since the petitioners have lost in the appeal, filed by them i.e. the one bearing L.P.A. No.1042 of 2015, they have been reverted back to Class-III post from Class-I post, however, they have challenged the said order of reversion, by filing a fresh writ petition, hence the present writ petition has been rendered infructuous, nonetheless, it be clarified that withdrawal of the present writ petition shall not prejudice the case of the petitioners in the pending writ petition.

3. It is needless to state that the fact that the petitioners are not pressing the present writ petition, on account of the subsequent developments, shall not be an impediment in



prosecuting the fresh writ petition, already filed by them.

4. Accordingly, the present writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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