

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1742 of 2017

In

Civil Writ Jurisdiction Case No.7603 of 2016

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1. Neelam Kapoor, Wife of Mr. Shankar Nath Kapoor, Resident of Flat No.401 B, Vamika Kunj Apartment, Khajpura, Patna, District- Patna. Presently posted as Section Officer, Transport Department, Bihar, Patna.
 2. Bijoy Kumar Srivastava, Son of Late Ram Autar Prasad, Resident of Govt. Qr. No. 15/C, Gardanibagh, Patna, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Additional Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Deputy Secretary, Department of General Administration, Government of Bihar, Patna.
5. The Under Secretary, Department of General Administration, Government of Bihar, Patna.
6. Sunil Kumar, Son of Sri Shyamnandan Singh, resident of Mohalla-205/Secular Heritage, Gola Road, P.S. - Rukanpura, Dist - Patna.
7. Shankardayal, Son of Raghuveer Dayal, resident of Mohalla- Ranjan Path, Lane No. - 9 near Gyan Niketan School, P.C. Colony, Kankarbagh, P.S.- Kankarbagh, Dist - Patna.
8. Dr. Nityanand Singh, Son of Late Ramashis Singh, resident of Mohalla- Hanumannagar, near S.B.I. Rajbansinagar Branch, New Punaichak, P.S.- Shastrinagar, Dist- Patna.
9. Ashutosh Kumar, Son of Sri Jitendra Prasad Sinha, resident of Mohalla-C/60, Indrapati Colony Post B.V. College, P.S. - Shastrinagar, Dist- Patna.
10. Padmanand Kumar, Son of Late Vidyanand Yadav resident of Mohalla - House No. 14, Manju Bhawan, New Punaichak, Boring Canal Road, P.S. - Shastrinagar, Dist- Patna.
11. Arvind Kumar Jha, Son of Late Ghuran Jha, resident of Mohalla- Girja Garden Apartment, Near Punaichak, P.S. - Shastrinagar, Dist - Patna.
12. Brajesh Kumar Dangi, Son of Sri Siddheshwar Prasad, resident of Village- Pakri Aara, P.S. - Nawada, Dist- Aara.
13. Balram Prasad, Son of Late Kailash Prasad Sinha, resident of Mohalla- House of Sri Harekrishna Yadav, Priyadarshinagar, D.P.S. Mor, Danapur, P.S. - Rupaspur, Dist - Patna.
14. Sanjay Kumar Singh, Son of Late N.K. Singh, resident of Mohalla- Sarvoday Nagar, CDA Colony, P.S. - Shastrinagar, Dist - Patna.
15. Arun Kumar Srivastava, Son of Late Kailashpati Srivastava, resident of



Mohalla - Nehru Nagar, P.S. - Nehru Nagar, Dist - Patna.

16. Indubhushan Singh, Son of Sri Lalit Mohan Singh, resident of Mohalla-Ranjan Path, Lane No.- 9 near Gyan Niketan School, P.C. Colony, Kankarbagh, P.S. - Nehru Nagar, Dist - Patna.
17. Binod Sharma Presently Posted as Under Secretary of the Cabinet Secretariat, earlier posted as Section Officer of the same department.
18. MadanLal, Presently Posted as Under Secretary of the Minority Welfare Department, earlier posted as Section Officer of the Finance Department.
19. Radhanandan Prasad Presently Posted as Under Secretary of the Home Department, earlier posted as Section Officer of the Bihar State Human Rights Commission.
20. Raj Kumar, Presently Posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Bihar State Human Rights Commission.
21. Shivtosh Suman presently posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Public Health Engineering Department.
22. Vijyendra Prasad presently posted as Under Secretary of the Panchayati Raj Department, earlier posted as Section Officer of the Road Construction Department.
23. Prem Kumar Gupta 'Prem' presently posted as Under Secretary of the Home Department, earlier posted as Section Officer of the Art, Culture & Youth Department.
24. Vidyabhushan Singh presently posted as Under Secretary of the Rural Works Department, earlier posted as Section Officer of the Planning & Development Department.
25. Arun Kumar presently posted as Under Secretary of the Education Department, earlier posted as Section Officer of the Cooperative Department.
26. Shailendra Narayan Mallick presently posted as Under Secretary of the Road Construction Department, earlier posted as Section Officer of the Food & Consumer Protection Department.
27. Udaykant Choudhary presently posted as Under Secretary of the Rural Works Department, earlier posted as Section of the Law Department.
28. Vinay Kumar presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Building Construction Department.
29. Brijnandan Prasad, presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Finance Department.
30. Murari Mohan Ojha, presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Industry Department.
31. Anjani Kumar Sinha, presently posted as Under Secretary of the Health Department, earlier posted as Section Officer of the Commissioner Officer, Patna.
32. Umesh Kumar Singh, presently posted as Under Secretary of the Urban



- Development and Housing Department, earlier posted as Section Officer of the Public Health Engineering Department.
33. Ram Sevak Prasad, presently posted as Under Secretary of the Urban Development and Housing Department, earlier posted as Section Officer of the DGP Office.
 34. Shiv Mahadev Prasad, presently posted as Under Secretary of the Road Construction Department, earlier posted as Section Officer in the Advocate General Office, Bihar.
 35. Dinesh Kumar Chandresh, presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Revenue & Land Reform Department.
 36. Vijay Kumar Tiwari, presently posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the Commercial Tax Department.
 37. Ramvilas Prasad, presently posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Environment & Forest Department.
 38. Arun Kumar, presently posted as Under Secretary of the Urban Development and Housing Department, earlier posted as Section Officer of the Rural Development Department.
 39. Baban Kumar Rai, presently posted as Under Secretary of the Road Construction Department, earlier posted as Section Officer of the Sugarcane Industry Department.
 40. Sirajuddin Ansari, presently posted as Under Secretary of the General Administration Department, earlier posted as Section Officer of the General Administration Department.
 41. Ajay Kumar Sinha, presently posted as Under Secretary of the Animal and Fishery Resources Department, earlier posted as Section Officer of the Information Technology Department.
 42. Virendra Kumar Sinha, presently posted as Under Secretary of the Animal and Fishery Resources Department, earlier posted as Section Officer of the Science Technology Department.
 43. Laxmi Narayan Sahu, presently posted as Under Secretary of the Industry Department, earlier posted as Section Officer of the Education Department.
 44. Anil Kumar Upadhyay, presently posted as Under Secretary of the Disaster Management Tribunal, earlier posted as Section Officer of the Health Department.
 45. Premchandra Jha, presently posted as Under Secretary of the Industry Department, earlier posted as Section Officer of the Social Welfare Department.
 46. Shambhunath Upadhyay, presently posted as Under Secretary of the Revenue and Land Reforms Department, earlier posted as Section Officer of the BC & OBC Welfare Department.
 47. Indubhushan Prasad, presently posted as Under Secretary of the Public Health Engineering Department, earlier posted as Section Officer of the SC & ST Welfare Department.



48. Chandra Bhushan Prasad, presently posted as Under Secretary of the Chief Minister Secretariat, earlier posted as Section Officer of the Urban Development and Housing Department.
49. Kamlesh Sharma, presently posted as Under Secretary of the Revenue and Land Reforms Department, earlier posted as Section Officer of the Planning & Development Department.
50. Amrendra Kumar, presently posted as Under Secretary of the Chief Minister Secretariat, earlier posted as Section Officer of the Planning & Development Department.
51. Krishna Kumar Verma, presently posted as Under Secretary of the Registration, Production and Prohibition Department, Planning & Development Department, earlier posted as Section Officer of the Registration, Production & Prohibition Department (Production).
52. Surendra Prasad Gupta, presently posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Registration, Production & Prohibition Department (Registration).
53. Shiv Vachan Singh, presently posted as under Secretary of the Cooperative Department, earlier posted as Section Officer of the Commercial Taxes Department.
54. Vipin Bihari Pandey, presently posted as Under Secretary of the Education Department, earlier posted as Section Officer of the Cooperative Department.
55. Surya Kishore Prasad, Presently Posted as Under Secretary of the Finance Department, earlier posted as Section Officer of Home (Special) Department.
56. Narayan Saw, Presently Posted as Under Secretary of the Rural Development Department, earlier posted as Section Officer of the ElectionDepartment (Advertised for Rural Development Department).
57. Murari Nandan Prasad, Presently Posted as Under Secretary of the Food and Consumer Protection Department, earlier posted as Section Officer of theRevenue Council.
58. Pratul Chandra Suman, Presently Posted as Under Secretary of the Revenue and Land Reforms Department, earlier posted as Section Officer of the BiharStaff Selection Commission.
59. Satan Sharma, Presently Posted as Secretary of the Information and Public Relation Department, earlier posted as Section Officer of the Public HealthEngineering Department.
60. Sitaram Mishra, Presently Posted as Under Secretary of the SC and ST Welfare Department, earlier Posted as Section Officer of the BuildingConstruction Department.
61. BalramMandal, Presently Posted as Under Secretary of the Chief Ministry Secretariat, earlier posted as Section Officer of the Chief Minister Secretariat.
62. Surendra Thakur, Presently Posted as Under Secretary of the Finance Department, earlier posted as Section officer of the Crime Beuro Department.



63. ShyamBalak Ram, Presently posted as Under Secretary of the SC and ST Welfare Department, earlier posted as Section Officer of the Labour Resources Department.
64. Suman Sinha, Presently Posted as Under Secretary of the BC and OBC Welfare Department, earlier posted as Section Officer of the labourResources Department.
65. Mohan Lal, Presently Posted as Under Secretary of the Social Welfare Department, , earlier posted as Section Officer of the Animal and Fishery Resources Department (Gabya Directorate).
66. Birendra Kumar Singh, Presently Posted as Under Secretary of the Agriculture Department, earlier posted as Section Officer of the Cooperative Department.
67. Rasool Miyan, Presently Posted as Under Secretary of the Water Resources Department, earlier posted as Section officer of the Agriculture Department.
68. Uttam Kumar, Presently Posted as Under Secretary of the Water Resources Department, earlier posted as Section Officer of the Surgarcane Industry Department.
69. Chandra Prasad, Presently Posted as Under Secretary of the Water Resources Department, earlier posted as Section Officer of the Education Department.
70. Ranjana Singh, Presently Posted as Under Secretary of the Finance Department, earlier posted as Section Officer of the Building Construction Department.
71. Madhubala Sinha, Presently Posted as Under Secretary of the Water Resources Department,, earlier posted as Section officer of the Finance Department.
72. Santosh Kumar, Presently Posted as Under Secretary of the Minor Water Resources Department, earlier posted as Section Officer of the Urban Development and Housing Department.
73. Girish Mohan Thakur, Presently Posted as Under Secretary of the Home Department, earlier posted as Section Officer of the General Administration Department.
74. Vipin Kumar Singh, Presently Posted as Under Secretary of the State Commission for Backward Castes, earlier posted as Section Officer of the Agriculture Department.
75. Meera Sinha, presently posted as Under Secretary of the Bihar State ST Commission Department, earlier posted as Section Officer of the Health Department.
76. MahendraPratap Singh, Presently posted as Under Secretary of the Information and Relation Department, earlier posted as Section Officer of the Cooperative Department.
77. Rajiv Kumar, Presently Posted as Under Secretary of the Agriculture Department, , earlier posted as Section Officer of the BC and OBC Welfare Department.
78. Niranjan Kumar Sinha, Presently posted as Under Secretary of the Industry Department, earlier posted as Section officer of the Water Resources Department.



79. Ravindra Yadav, Presently Posted as Under Secretary of the Health Department, earlier posted as Section Officer of the Planning and Development Department.
80. Gopal Prasad Singh, Presently Posted as Under Secretary of the Revenue and Land Reforms Department, earlier posted as Section Officer of the Revenue and Land Reforms Department.
81. Kishor Kumar Kishor, Presently posted as Under Secretary of the Road Construction Department, earlier posted as Section Officer of the Labour Resources Department.
82. Vijay Shankar Rai, Presently Posted as Under Secretary of the Cooperative Department, earlier posted as Section officer of the SC and ST Welfare Department.
83. Devendra Choudhary, Presently posted as Under Secretary of the Rural Works Department, earlier posted as Section Officer of the Commission Office, Patna.
84. Anjani Kumar Sinha, Presently Posted as Under Secretary of the Health Department, earlier posted as Section Officer of the Health Department.
85. RabindraNath Upadhyay, Presently Posted as Under Secretary of the Health Department, earlier posted as Section Officer of the Health Department.
86. Brajesh Kumar Rai, Presently Posted as Under Secretary of the Building Construction Department, earlier posted as Section Officer of the Home(Special) Department.
87. Saday Kumar Sinha, Presently Posted as Under Secretary of the Rural Development Department, earlier posted as Section Officer of the Water Resources Department.
88. Satish Kumar Shahi, Presently Posted as Under Secretary of the Labour Resources Department, earlier posted as Section Officer of the Intelligence Department.
89. Mithilesh Kumar Sinha, Presently Posted as Under Secretary of the Home Department, earlier posted as Section Officer of the DGP.
90. Anand Kumar Sinha, Presently Posted as Under Secretary of the Cooperative Department, earlier posted as Section Officer of the LabourResources Department.

... ... Respondent/s

Appearance :

For the Appellant/s	: None
For the State	: Mr. Sanjay Kumar Ghosarvey, A.C. to A.A.G.-3
For the Resp. Nos. 6 to 16	: Mr. Kumar Kaushik, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 17-07-2023

1. None appears for the appellants when the matter was taken up in the morning and even when it was kept aside for hearing.

2. The learned counsel appearing for the respondents, who were the petitioners before the Single Judge, points out that the very same judgment was in appeal before a Division Bench which passed the following order on 28.11.2022 :-

“In order dated 26.09.2022 certain observations have been made. The same has been taken note of by the State and proceeded to notify provisional seniority list of Section Officer, while inviting objection/suggestion, if any, from such of those persons whose right is/are affected by virtue of provisional seniority list. It is learnt that some of the persons have already filed their objections/suggestions against the provisional seniority list of Section Officer. The competent authority is taken note of such suggestions/objections and proceeded to issue final seniority list of Section Officer on 25.11.2022.

In the light of these development the present LPA do not survive for consideration. Any person whose name is reflected in the final seniority list and it is disadvantage to him insofar as assigning ranking as well as consequential service benefits of promotion in that event he or she is at liberty to invoke remedy before appropriate forum.

With the observation the present LPA



stands disposed off.”

3. We follow the aforesaid order and dispose off the appeal on the very same terms.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Prakash/avinash

AFR/NAFR	
CAV DATE	N/A
Uploading Date	18.07.2023
Transmission Date	N/A

