

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3359 of 2023

In
Letters Patent Appeal No.173 of 2018

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1. Vinod Kumar Pathak Son of Sri Uma Nath Pathak Resident of Quarter No. 224/800 Shastri Nagar, Police Station- Shastri Nagar, District- Patna.
 2. Mukesh Kumar Suman, Son of Sri Mathura Ram Resident of Slum Quarter No. 66, Kankarbagh Colony Police Station- Kankarbagh, Patna, District- Patna.
 3. Sanjay Kumar Sinha, Son of Late Bal Krishna Prasad Resident of Ekta Path, Shivpuri, Police Station- Patliputra, Patna, District- Patna.
 4. Rajiv Ranjan Tiwari, Son of Sri Ramchandra Sharma Resident of Village and Post Office- Madhopur, Police Station- Mushari, District- Muzaffarpur.
 5. Aditya Prakash, Son of Sri Bashistdev Prasad Resident of P- 28, Vijay Nagar, Road No. 3, Post Office- Lohianagar, Police Station- Rupaspur, Patna, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri B. Rajendra, Son of not known to the Petitioners Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. Sri Ghufraan Ahmad Son of not known to the Petitioners Dy. Secretary, General Administration Department, Govt. of Bihar, Patna.
4. Sri Rajnish Kumar, Son of not known to the Petitioners Deputy Secretary, General Administration Department, Government of Bihar, Patna.
5. Sri Yogendra Thakur, Under Secretary, General Administration Department, Government of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha
For the Opposite Party/s : Mr. Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 13-03-2024 The present MJC is filed for non compliance of the
order dated 28.11.2022 passed in LPA No. 1743 of 2017. It is



necessary to reproduce the order dated 28.11.2022. It reads as under:

"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".

2. Learned counsel for the petitioners submitted that earlier issuance of final gradation list of Section Officers is only an eye wash and to overcome the LPA No. 1743 of 2017 proceedings.

3. It is submitted that subsequent to disposal of LPA No. 1743 of 2017 respondents-State have prepared yet another seniority list of Section Officers and such seniority list is being operated for the purpose of promotion to the post of Under Secretary. In other words, whatever the seniority list of Section Officer prepared and notified pursuant to the LPA No. 1743 of 2017 has been kept in cold storage.

4. In such circumstances question of contempt petition do not arise at the best petitioners are at liberty to file a fresh petition to give affect to the seniority list prepared pursuant in



the proceedings in LPA No. 1743 of 2017.

5. Accordingly, the present MJC stands disposed of as
not maintainable.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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