
(2005) 07 PAT CK 0007
In the Patna High Court
Case No : CWJC No. 1426 of 2002

Surendra Manjhi	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 19-07-2005

Acts Referred:

Citation : (2005) 4 PLJR 76

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : S.C.P. Sinha, Ratan Kumar Sinha and Madhukar Pandey, for the Appellant;

Judgement

Radha Mohan Prasad, J.—In this writ petition, the petitioner is aggrieved by Annexure 19, which, according to him, is the final gradation list prepared by the Joint Director Agriculture, Adoptive Research, Bihar, Patna (respondent No. 4) showing him junior to respondents No. 7 to 9 on promoted post ignoring his claim. In short, the relevant facts are that the petitioner was initially appointed as Assistant in the Agriculture Department and posted at Saharsa on 30.8.1973. He was granted Junior Selection Grade on 1.5.1984 and Senior Selection Grade on 1.5.1987. However, on his representation, he was transferred from Saharsa Division to Chapra Division on 20.12.1993, vide Annexure 3. Later on 4.8.1998, he was transferred from Chapra to Patna Division on administrative grounds, vide Annexure 6..

2. It has been contended that it is true that as per the Government rules/decisions, the petitioner cannot claim seniority with respect to his posting in Saharsa Division as on transfer he joined Chapra on the representation filed by him but, according to the learned counsel for the petitioner, the petitioner cannot be denied of his due seniority with effect from the date of his joining in Chapra Division i.e. 20.12.1993 as his transfer from Chapra to Patna Division was on administrative ground.

3. Learned counsel for the State has not been able to show that the petitioner can be denied of his seniority as it stood while he was posted at Chapra Division from where he was transferred to Patna Division on administrative grounds.

4. A supplementary counter affidavit has been filed on behalf of respondent No. 4. In paragraph 7 of the said supplementary counter affidavit it is admitted that the petitioner will be given the seniority of Saran Range. However, it is further stated that the seniority of the petitioner will be fixed at serial No. 6 of the gradation list.

5. Learned counsel for the petitioner has contended that the proposed placement of the petitioner at serial No. 6 in the gradation list, as per the respondent-State, is wholly unjustified as the petitioner is entitled to get position in the seniority of Patna Division as per his seniority of Saran Range where he was posted as Senior Selection Grade Assistant. According to the learned counsel for the petitioner, in Patna Division none was granted Senior Selection Grade and, as such, according to him, the petitioner is entitled to be placed at serial No. 1.

6. Learned counsel for the State has, however, in the absence of full details fairly submitted that the question of placement of the petitioner in the seniority list may be left open for consideration by the authority concerned, in accordance with law. In the facts and circumstances aforementioned, as agreed, the writ application is disposed of with a direction to the respondents to fix the seniority of the petitioner in Patna Division as Senior Selection Grade Assistant on the basis of the seniority to be given to him of Saran Range, as stated in paragraph 7 of the counter affidavit, with all consequential benefits, if any, within eight weeks of the receipt/production of a copy of this order.