

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.654 of 2018

Satyadeo Mohan Ghosh	...	...	Petitioner
Versus			
The State of Jharkhand and Others...	...	...	Respondents

**With
W.P.(S) No.2984 of 2016**

Naseem Ali & Others	...	...	Petitioners
Versus			
The State of Jharkhand and Others...	...	...	Respondents

**With
W.P.(S) No.3027 of 2016**

Ashok Kumar Roy & Others Petitioners
Versus
The State of Jharkhand and Others... .. Respondents

**With
W.P.(S) No.3031 of 2016**

Pradip Kumar Gupta & Others	...	...	Petitioners
Versus			
The State of Jharkhand and Others...	...	...	Respondents

**With
W.P.(S) No.5726 of 2017**

Sanat Kumar Petitioner
Versus
The State of Jharkhand and Others... ... Respondents

**With
W.P.(S) No.8 of 2018**

Diploma Engineers Association, Jharkhand through its
General Secretary Shekhar Kumar... .. Petitioner
Versus

arkhand and Others... ... Respondents

With
W.P.(S) No.2189 of 2018

Shyam Das Singh Petitioner
Versus
The State of Jharkhand and Others... .. Respondents

**CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

For the Petitioners	: Ms. Amrita Sinha, Advocate [In WPS Nos. 654/2018 & 5726/2017] : Mr. A.K.Sahani, Advocate [In WPS No. 08/2018] : Mr. Shubhankar Dey, Advocate [In WPS No.2189/2018]
For the Resp-State	: Mr. Ashutosh Anand, AAG-III : Mr. Sahbaj Akhtar, AC to AAG-III [In WPS Nos. 654/18, 5726/17 & 2189/18] : Ms. Soumya S. Pandey, AC to AAG-I [In WPS Nos. 2984/16, 3027/16 & 8/18] : Mr. Navneet Toppo, AC to GP-I [In WPS Nos. 3031/2016]
For Res. No.6-JSEA	: Mr. Krishna Murari, Advocate : Mr. Ritesh Kr. Pathak, Advocate : Mr. Raj Vardhan, Advocate [In WPS No. 654/2018]
For Res. No. 6 & 7	: Mr. Mahesh Tewari, Advocate

Order No. 40/Dated 28th February, 2025

1. Reference be made to the order dated 27.01.2025 on which date three cases were listed on Board, i.e., W.P.(S) No.654 of 2018, W.P.(S) No.5726 of 2017 and W.P.(S) No.2189 of 2018.

2. This Court, while going through the records, has found from the order sheets that on 07.01.2019, altogether seven cases, i.e. W.P.(S) No.654 of 2018, W.P(S) No.2189 of 2018, W.P(S) No.5726 of 2017, W.P(S) No.3027 of 2016, W.P(S) No.2984 of 2016, W.P(S) No.3031 of 2016 and WP (S) No.8 of 2018 were listed together. On that date, all the seven cases were heard and directed to be listed on 08.01.2019. But, very surprisingly, on 08.01.2019 only 4 cases, i.e., W.P.(S) No.08 of 2018, W.P.(S) No.654 of 2018, W.P.(S) No.2189 of 2018 and W.P.(S) No.5726 of 2017 were listed.

3. Thereafter, on 27.01.2025 only three cases were listed on Board.

4. This Court did not find any order on the record to show that three cases were directed to be listed separately and also failed to understand that why and how without any order of segregation, four cases were removed from the list and that is the reason, this Court vide order dated 27.01.2025 had sought for explanation from the office as to why W.P.(S) No.3027 of 2016, W.P.(S) No.2984 of 2016, W.P.(S) No.3031 of 2016 and W.P.(S) No.08 of 2018 have been segregated from present writ petition i.e. W.P.(S) No.654 of 2018 which has been listed along with W.P.(S) No.2189 of 2018 and W.P.(S) No.5726 of 2017.

5. Further, vide aforesaid order dated 27.01.2025 direction was also given to list all the seven cases together, i.e. W.P.(S) No.654 of 2018, W.P.(S) No.2189 of 2018, W.P.(S) No.5726 of 2017, W.P.(S) No.3027 of 2016, W.P.(S) No.2984 of 2016, W.P.(S) No.3031 of 2016 and W.P.(S) No.8 of 2018 on 17th February 2025. For ready reference the aforesaid order dated 27.01.2025 is being quoted as under.

“The matter is being listed today for final disposal of the writ petitions along with W.P.(S) No.5726 of 2017 with W.P.(S) No.2189 of 2018.

2. This Court before commencement of hearing of the matter, has gone through the order No.3 dated 25th June 2018 passed by the Coordinate Bench of this Court where order has been passed to list this case along with WP(S)

No.3027 of 2016, WP(S) No.2984 of 2016 and WP(S) No.3031 of 2016.

3. It further appears from the order dated 24th July 2018 passed in WP(S) No.3027 of 2016 that WP(S) No.3027 of 2016 was listed along with WP(S) No. 2984 of 2016 With WP(S) No. 3031 of 2016 with WP(S) No.654 of 2018, i.e. the present writ petition and with WP(S) No. 8 of 2018 along with WP(S) No.5726 of 2017.

4. It further appears from the order dated 13th December 2018 that the present writ petition i.e. WP(S) No.654 of 2018 was listed along with WP(S) No.2189 of 2018 and WP(S) No.8 of 2018, wherein the order was passed by the coordinate Bench to list WP(S) No.654 of 2018 with WP(S) No.2189 of 2018 and WP(S) No.8 of 2018, also along with WP(S) No.3027 of 2016, WP(S) No.2984 of 2016, WP(S) No.3031 of 2016 and WP(S) No.5726 of 2017.

5. Thereafter, the present writ petition, i.e. WP(S) No.654 of 2018 was listed on 07th January 2019 along with WP(S) No.2189 of 2018, WP(S) No.8 of 2018, WP(S) No.2984 of 2016, WP(S) No.3027 of 2016, WP(S) No.3031 of 2016 and with WP(S) No.5726 of 2017.

6. But, it appears from the subsequent order passed by the coordinate Bench dated 8th January 2019 that this writ petition WP(S) No.654 of 2018 had been listed along with WP(S) No.2189 of 2018 with WP(S) No.5726 of 2017 and with WP(S) No.8 of 2018, but the writ petitions being WP(S) No.3027 of 2016, WP(S) No.2984 of 2016 and WP(S) No.3031 of 2016 was not listed along with these cases, which was ordered to be listed on 13th December 2018.

7. Thereafter, the present writ petition had only listed along with WP(S) No.2189 of 2018 with WP(S) No.5726 of 2017 and with WP(S) No.08 of 2018, leaving aside the writ petition being WP(S) No.3027 of 2016, WP(S) No.2984 of 2016 and WP(S) No.3031 of 2016 and accordingly the present writ petition had been listed along with WP(S) No.2189 of 2018 with WP(S) No.5726 of 2017 with WP(S)

No.08 of 2018 leaving aside the writ petition being WP(S) No.3027 of 2016, WP(S) No.2984 of 2016 and WP(S) No.3031 of 2016 till 23rd April 2019 and thereafter the present writ petition is listed along with only WP(S) No.2189 of 2018 and WP(S) No.5726 of 2017 and leaving aside other writ petitions as mentioned above.

8. Today when the matter is taken up with the consent of the parties for final hearing, then this Court after going through the order dated 13th December 2018 passed in WP(S) No.654 of 2018 in which the order was passed by the co-ordinate Bench of this Court to list these cases along with WP(S) No.3027 of 2016, WP(S) No.2984 of 2016, WP(S) No.3031 of 2016 and WP(S) No.5726 of 2017, but the present writ petition is only listed along with WP(S) No.2189 of 2018 and WP(S) No.5726 of 2017.

9. The Office is to explain that as to why the WP(S) No.3027 of 2016, WP(S) No.2984 of 2016, WP(S) No.3031 of 2016 and WP(S) No.08 of 2018 has been segregated from present writ petition i.e. WP(S) No.654 of 2018 listed along with WP(S) No.2189 of 2018 and WP(S) No.5726 of 2017.

10. Let the explanation be furnished.

11. Let this writ petition be listed along with WP(S) No.3027 of 2016, WP(S) No.2984 of 2016 and WP(S) No.3031 of 2016 in pursuance to the order passed by the coordinate Bench by order dated 13th December 2018 and the earlier order passed in the present writ petition showing the present writ petition listed along with WP(S) No.8 of 2018.

12. With the consent of the parties, list these cases along with WP(S) No.3027 of 2016, WP(S) No.2984 of 2016, WP(S) No.3031 of 2016, and WP (S) No.8 of 2018 on 17th February 2025.”

6. In pursuance to the aforesaid order dated 27.01.2025, explanation has been furnished which is on record.

7. It further appears from the record that in all the aforesaid writ petitions the different provisions of Jharkhand Engineering Service Rules, 2016 have been challenged and due to similarity in cause of action previous co-ordinate Benches had heard the matters jointly but the later on only three cases i.e. WP(S) No. 654/18, WP(S) No. 2189/18, and WP(S) No. 5726/17 have been listed together and hearing was continued.

8. It further appears from the record that vide minutes dated 12.07.2024 only aforesaid three cases i.e. W.P.(S) No.654 of 2018, W.P.(S) No.2189 of 2018 and W.P.(S) No.5726 of 2017 have been assigned to DB. It therefore the question arises herein that whether this Division Bench can hear all the seven cases i.e., W.P.(S) No.654 of 2018, W.P.(S) No.2189 of 2018, W.P.(S) No.5726 of 2017, W.P.(S) No.3027 of 2016, W.P.(S) No.2984 of 2016, W.P.(S) No.3031 of 2016 and W.P.(S) No.8 of 2018 or not?

9. Considering the aforesaid facts, this Court is of the view that this matter, as mentioned at paragraph 8 above, along with the explanation submitted by the concerned officials, needs to be placed before Hon'ble the Chief Justice in the administrative side.

10. Accordingly, Registry is directed to place the matter before Hon'ble the Chief Justice in the administrative side.

(Sujit Narayan Prasad, J.)

(Pradeep Kumar Srivastava, J.)

Birendra/