

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7348 of 2008

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Vijay Kumar, s/o Shri Bhola Prasad Mahto, resident of village – Narepur
West, P.O. and P.S. bachhwara, District - begusarai

.... Petitioner/s

Versus

1. The State of Bihar through the Director of Agriculture, Bihar, Patna
2. The Joint Director of Agriculture (Jute) Bihar at Purnia
3. Deputy Director of Agriculture (Jute) Samastipur at Pusa
4. Assistant Jute Development Office, katihar
5. the District Officer – cum-District Magistrate, katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Sharma
Mr. Saroj Kumar Sharma

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 25-03-2015 Heard Sri Arvind Kumar Sharma, learned counsel for
the petitioner and learned AC to AAG No. 2.

The petitioner, invoking writ jurisdiction of this court under Article 226 of the Constitution Of India, has prayed for quashing of an order dated 9.8.2002 contained in Annexure – 6 to the writ petition whereby service of the petitioner was terminated by the Joint Director of Agriculture, Purnea on the ground that appointment of the petitioner was illegal.

Learned counsel for the petitioner tried to persuade the court that in respect of other similarly situated persons this court has granted relief, and as such, he makes a prayer for granting same relief to the petitioner.



Learned AC to AAG No. 2 at the very outset has pointed out that in the supplementary affidavit filed by the petitioner, he himself admits that earlier the petitioner had approached this court by filing a writ petition vide C.W.J.C. No. 5333 of 2004 which stood disposed of in terms of the order dated 8.5.2003 passed in C.W.J.C. No.7938 of 2002 (Prem Kumar Rai & Another Vs. State of Bihar & Ors.). He further points out that the case of Prem Kumar Rai and others basing on which the writ petition of the petitioner was disposed of was virtually dismissed by a bench of this court vide Annexure - 2 to the supplementary affidavit filed on behalf of the petitioner on 19th June, 2014. I have also perused both the orders i.e. order passed in the case of petitioner i.e. C.W.J.C. No. 5333 of 2004 and order passed in C.W.J.C. No. 7938 of 2002 which are Annexures - 1 and 2 respectively to the supplementary affidavit. On perusal of the Annexure - 2 it is evident that writ petition stood dismissed. However, this court observed that if any work has been taken from the petitioners for which no emoluments have been paid , then the respondent will pass appropriate order for payment of the emoluments.

The court is of the opinion that once for the same relief the petitioner approached this court and the writ petition was

disposed of in terms of an order which was passed in the writ petition which was already dismissed, the court is of the opinion that second writ petition is not maintainable.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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