

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.884 of 2011

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Ramniwas Verma son of Sri Sadhu Saran Saw, resident of Village-
Jainagar, Bari Kawaiya, Ward No.31, P.O & P.S- Lakhisarai, District-
Lakhisarai.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary , Human Resource Development Department Government
Of Bihar, Patna
3. The Director (Secondary Education) Human Resources Development
Department , Government Of Bihar, Patna.
4. The District Magistrate, Jamui.
5. The Deputy Development Commissioner, Jamui.
6. District Education Officer, Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Gupta

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 14-12-2015 Heard Sri Pravin Kumar Gupta, learned counsel for the
petitioner and learned AC to AAG No. 6.

In the present writ petition filed under Article 226 of
the Constitution of India the petitioner has prayed for directing the
respondents to pay due salary for the period from which he
worked on the post of Assistant Teacher, Janta High School,
Satayan under the district of Jamui. The petitioner had worked as
Assistant Teacher since 22.11.2006 to 31.8.2007. However, due to
the fact that petitioner was not having requisite qualification his
appointment stood cancelled.

The petitioner in the present writ petition is not claiming for quashing of the order of termination of his appointment but he makes a prayer for directing the respondents to make payment of salary for the period during which he worked.

In this case a counter affidavit has been filed on behalf of the respondent/ State and a specific stand has been taken in paragraph no. 10 that earlier the petitioner while challenging the order of termination had also made a prayer for payment of salary for the said period, however, the writ petition of the petitioner stood dismissed with other writ petitions.

Sri Pravin Kumar Gupta, learned counsel for the petitioner by way of referring to the statement made in the reply to the counter affidavit submits that it is true that in the earlier writ petition the petitioner had made a prayer for payment of salary also but the said prayer was not pressed and as such the present writ petition may not be dismissed on the ground of principle of res judicata.

However, in the rejoinder also the petitioner has accepted that in the earlier writ petition he had made a prayer for payment of arrear of salary also. Once the writ petition which was filed for quashing of the termination order as well as for payment of arrear of salary stood dismissed, at subsequent stage the co-

ordinate bench may not examine the claim of the petitioner in respect of due salary. It will amount to review of earlier order, which is not permissible.

Accordingly, the writ petition stands dismissed.

(Rakesh Kumar, J)

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