

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13165 of 2000

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1. Shambhu Saran Singh, son of Shree Bankey Bihari Singh, resident of village and P.O. Kamlakant Karariya, District- Gopalganj
 2. Paras Nath Singh, son of Late Jagarnath Singh, resident of village and P.O. Kamlakant Karariya, District- Gopalganj
 3. Rajesh Kumar Pandey, son of Sri Gandhi Pandey, resident of village- Siswania, P.S. Siswania, District- Gopalganj
 4. Mita Kumari, son of Shree Krishna Singh, resident of village and P.O. Budbud, District- Bardwan
 5. Archana Kumari, son of Sri Gandhi Pandey, resident of village and P.O. Siswania, District- Gopalganj
 6. Nidhi Kumari, son of Shree Gandhi Pandey, resident of village and P.O. Siswania, District- Gopalganj
 7. Yiyas Singh, son of Sri Bunela Singh, resident of village- Satai, P.S. Mirganj, District-Gopalganj
 8. Sanjay Kumar Singh, son of Sri Chandradeo Singh, resident of village- Siparigadh P.O. Madho Matihani, District-Siwan
 9. Rajeev Ranjan Singh, son of Sri Gopal Singh, resident of village- Chainpatti, P.S. Gopalganj, District- Gopalganj
 10. Basanti Kumari d/o Late Sakaldhari Singh, resident of village- Moghal Beeraicha, P.S. Barauli, District- Gopalganj

.... Petitioners

Versus

1. The State of Bihar
2. The Commissioner/Secretary, Prathmik Education Department of Education, Govt. of Bihar, Vikash Bhawan, Patna
3. The Director, Primary Education, Department of Education, Govt. of Bihar, Vikash Bhawan, Patna
4. The Regional Deputy Director of Education, Saran (Chapra)
5. The District Education Officer, Gopalganj
6. The Area Education Officer, Gopalganj
7. The Headmaster of Government Basic School, Jigna, District- Gopalganj
8. The Headmaster of Government Basic School, Siswania, District- Gopalganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Suresh Kumar Ishwar
Mr. Umesh Kumar Singh

For the Respondent/s : Mr. SC-24

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

who was assisted by Sri Umesh Kumar Singh, learned counsel for the petitioners and Sri Sunil Kumar Mandal, learned SC-24.

Ten writ petitioners, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, have prayed for directing the respondents to pay due salary and allowances along with other benefits. In the writ petition, no specific date has been mentioned about the exact claim of the salary. It has been pleaded that the petitioners were duly appointed and they worked for sometime. However, they were paid salary and emoluments for some period and since long nothing has been paid to them. It has also been pleaded that they are still continuing.

In this case, a counter affidavit has been filed on behalf of respondents. Sri Sunil Kumar Mandal, learned SC-24 submits that since appointment letter issued in favour of the petitioners were itself forged and illegal, the appointment of the petitioners were never given effect. He further submits that on allegation of forged appointment letters, earlier an F.I.R. was lodged against the Headmaster of the concerned school. After investigation, the police submitted chargesheet and he was put on trial. However, subsequently, he was acquitted by the trial court, which has been confirmed in the appeal. It has further been pointed out that for the same relief, most of the petitioners had approached this Court

invoking writ jurisdiction by filing C.W.J.C.No.7876 of 1995, which stood dismissed long back in the year 1996 itself.

Sri Sinha, learned Senior Counsel appearing on behalf of the petitioners submits that the writ petition, which was earlier filed by most of the petitioners, stood dismissed due to the reason that criminal case was pending and, as such, dismissal of the writ petition has got no binding effect for fresh writ petition. He further submits that the writ petition was dismissed prior to acquittal of the Headmaster, who was made accused on allegation of forging appointment letter.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. In the writ petition, of course, it has been indicated that two petitioners were issued interview letters, in respect of other petitioners, no such statement has been made. Fact remains that a specific stand has been taken in the counter affidavit that appointment letters of the petitioners were forged and fabricated and, as such, appointment of the petitioners were not entertained.

Without going into the detail on merit of the case, the Court is of the considered opinion that once for the same relief i.e. claim for salary and other allowances, the petitioners had approached this Court and the writ petition stood dismissed, at

subsequent stage, the petitioners were not at all entitled to approach this Court again invoking writ jurisdiction.

I do not find any ground to interfere with the matter. The writ petition stands dismissed.

(Rakesh Kumar, J)

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