

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2319 of 2009

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1. Ravi Kumar, Son of late Kamta Prasad, Resident of Village-Agarwa, Chandrika Nagar, Balba Chauk, P.S.-Motihari in the District of East Champaran.
 2. Krishna Kumar Shukla, Son of late Sachidanand Shukla, Resident of Village-Raghunathpur, P.S.-Turkauliya, District-East Champaran.

.... Petitioners

Versus

1. The State of Bihar.
2. The District Magistrate, East Champaran, Motihari.
3. The District Establishment Committee, Motihari through its Chairman, District Magistrate, Motihari.
4. The Block Development Officer, Ghorasahan, Motihari.
5. Bishwanath Choudhary, Son of Deo Narayan Choudhary, Resident of Village-Gajurahan, P.O.-Bariyarpur, P.S.-Turkaoliya, District-Purvi Champaran.
6. Subhash Kumar, Son of Deoraj Mahto, Resident of Village-Panditpur, P.O. Piprakothi, P.S.-Piprakothi, District-Purvi Champaran.
7. Samuyel Kumar Tuddu, Son of Barnwal Tuddu, Resident of Village Parbat Line Bazar, P.O. Prabat Line Bazar, Purnea, District-Purnea.
8. Anil Kumar Yadav, Son of Ram Daban Prasad Yadav, Resident of Village-Amar Chhataoni, District-Purvi Champaran.
9. Bhagwan Paswan, Son of Mathura Paswan, Resident of Village-Barkudva, P.O.-Motihari, District-Purvi Champaran.
10. Raghunath Rai, Son of late Ram Lakshman Rai, Resident of Village-Lakshmipur, Post-Lakshmipur in the district of Purvi Champaran.
11. Mukul Kumar, Son of late Ram Lakshman Rai, Resident of Village-Bakharia, P.S.-Manjhauliya, District-Purvi Champaran.
12. Raj Kishore Sah, Son of late Prasiddh Sah, Resident of Village-Hariyan Chhapra, P.O.-Rupdih, P.S.-Muffasil, District-Purvi Champaran.
13. Surendra Kumar Tiwari, S/o not known, Resident of Village-Rarhiya, P.S.-Govindgnaj, District-Purvi Champaran.
14. Manoj Kumar Tiwari, Son of Shri Ram Naresh Tiwari, Resident of Village-Panditpur, Post-Mathurapur, District-Purvi Champaran.
15. Lalan Ram, Son of Radhika Ram, Resident of Village-Barpurwa, Post-Rupdih, District-Purvi Champaran.
16. Bhagya Narayan Sah, Son of late Dhanu Sah, resident of Village-Saraya Badurho, P.S.-Dumariyaghat, District-Purvi Champaran.

.... Respondents

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Appearance :

For the Petitioners : Mr. Siya Ram Shahi and
Mr. Manish Dhari Singh, Advocates

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 08-10-2015

Heard learned counsel for the petitioners.

However, none appears on behalf of the respondents.

It is fairly contended on behalf of the petitioners that the order which is under challenge in this writ application has already been quashed by a Single Bench of this Court in C.W.J.C. No. 3402 of 2009 and analogous matter which were preferred by the persons other than the petitioners of this writ application. Thus, in view of the impugned order dated 15.12.2008 having already been quashed, this writ application has become infructuous. However, in the meantime, the aforesaid order, which has been brought on record as Annexure 8 to I.A. No. 7809 of 2015, was challenged by filing L.P.A. No. 81 of 2012 which has been dismissed vide Annexure 9. Thereafter, it appears that S.L.P. No. 26598 of 2012 came to be filed before the Apex Court which was also dismissed. Thereafter, again an exercise was taken by the respondents in which 19 persons have been appointed provisionally vide order dated 30.09.2014 as contained in Annexure 10.

Now the petitioners want to challenge that order by filing interlocutory application impleading such appointed persons.

In my view, the moment the order was passed quashing the order which has been impugned in the present writ application,

the writ application became infructuous. After passing of fresh order in aforesaid manner, cause of action became different and separate.

Therefore, this writ application stands disposed of.

However, the petitioners, if so advised, would be at liberty to assail the order contained in Annexure 10 in a properly drafted fresh writ petition.

In above view of the matter, no order is required to be passed in I.A. No. 2145 of 2011.

(Dr. Ravi Ranjan, J)

SC/-

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