

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.318 of 2011

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M/S Rabindra Prasad through its Proprietor Rabindra Prasad, S/O Shri Baijnath Prasad, Resident of Village Anar Mor, Ward No. 26, P.S. Gopalganj, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate cum Chairman, District Literacy Committee, East Champaran at Motihari
3. The District Education Officer cum Secretary, District Literacy Committee, East Champaran at Motihari.
4. The Deputy Development Commissioner, East Champaran at Motihari.
5. Zila Jan Shiksha Padadhikari cum Secretary, Literacy Committee, East Champaran at Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Srivastava
For the Respondent/s : Mr. Sunil Kr. Mandal, SC-24
Mr. Bipin Kumar, AC to SC-24

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 01-05-2015 The present writ petition appears to be completely misconceived, ill advised and untenable writ petition. Admittedly, the petitioner had approached this Court earlier in CWJC No.15609 of 2008 for payment of his admitted contractual dues for supply of certain materials along with interest @ 12% per annum from the date of submission of his bills. The aforesaid writ petition was finally disposed of by an order dated 05.05.2010 (Annexure-5) passed by a Bench of this Court directing the respondents to make payment of outstanding dues of the petitioner within a period of three months, but no direction was issued for payment of interest. Admittedly, the aforesaid order of this Court has been complied with by the respondents.

Now, this writ petition has been filed for a direction to

the respondents for payment of interest on the aforesaid outstanding dues. Evidently, the claims raised on behalf of the petitioner are barred by the principles of res judicata. Indisputably, in the earlier proceeding the petitioner had prayed for payment of outstanding dues along with interest at the rate of 12% per annum, but the claim of interest was not accepted by this Court and only direction was for payment of outstanding dues.

In the aforesaid factual matrixes, the present writ petition is not only misconceived, but an abuse of the process of the court.

For the reasons recorded above, the writ petition is dismissed.

(Birendra Prasad Verma, J)

Arvind/-

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