

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6362 of 2010

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Matukdhari Singh S/O Late Brahmadeo Singh R/O Vill Rampur, P.S Karpi,
Distt-Arwal

.... Petitioner

Versus

1. The State Of Bihar
2. Principal Secretary, Department Of Human Resources New Secretariat,
Vikash Bhawan, Patna
3. Bihar State Text Book Publishing Corporation Ltd. Budha Marg, Patna,
Through The Managing Director
4. The Managing Director, Bihar State Text Book Publishing Corporation
Ltd. Budha Marg, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Naresh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 15-05-2015 Heard learned counsel for the parties.

Having regard to the nature of relief sought in this writ application by way of seeking quashing of the order dated 18.3.2010 passed by the Managing Director of Bihar State Textbook Publishing Corporation as more specifically mentioned in the following portion of paragraph no.1 of the writ application:

“To quash the order as contained in memo no. 82 dated 18.3.2010 passed by the Managing Director of the Bihar State Text Book Publishing Corporation Ltd. (for short ‘Corporation’), whereby and whereunder the pending representation filed by the petitioner for compliance of the order dated 11.1.2010 passed by this Hon’ble Court in M.J.C.No. 2106 of 2007 has been rejected and further prayer of the petitioner is to pay the equal pay for equal

work against the post of Hand Compositor, upon which the petitioner was working since July, 1981 to 23.9.1993.”

this Court having regard to the inter-party finding arrived in the judgment dated 12.4.1995 in C.W.J.C.No. 6943/1993 is not inclined to allow the petitioner to reopen any aspect.

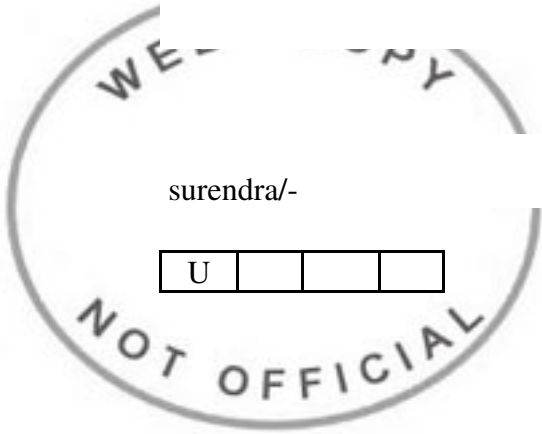
This Court in fact finds that the issue had already been shelved for once and ever in terms of the order dated 12.4.1995 but then if the petitioner had sought to raise an issue which was incapable of being raised in view of the inter-party judgment dated 12.4.1995 the same cannot give a fresh cause of action to the petitioner for any purpose including claiming salary of the post of Compositor which post was already given to him on 21.5.1993 and in fact approved by the judgment dated 12.4.1995 in C.W.J.C.No. 6943/1993.

This Court, therefore, was not inclined to interfere with the impugned order passed by the authority which does not contain any error.

Learned counsel for the petitioner however wants this writ application to be withdrawn to allow the petitioner to re-agitate the matter before the authority.

This Court would, accordingly, allow the petitioner to withdraw this application, but it is made clear that now the

petitioner will have no liberty to move this Court for the same
cause of action.



(Mihir Kumar Jha, J)