

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16776 of 2008

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Mostt.Prabila Devi, wife of Late Chandramani Prasad, resident of village
Noama, P.S. Asthawan, District Nalanda, presently posted as Peon in the
office of Sub-Divisional Education Officer, Biharsharif, Nalanda

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Personnel and
Administrative Reforms Department, Bihar, Patna
2. The Principal Secretary, Human Resources Development Department,
Bihar, Patna
3. The District Magistrate-cum-Chairman, District Compassionate
Committee, Nalanda
4. The Regional Deputy Director of Education, Patna Division, Patna
5. The District Superintendent of Education, Nalanda
6. The Sub-Divisional Education Officer, Biharsharif, Nalanda

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 18-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

This is the second round of litigation by the petitioner.
Earlier the petitioner had approached this Court for the same relief
claiming that she should be considered for appointment on Class
III post instead of Class IV post on which the petitioner joined on
protest.

This Court disposed of the earlier writ petition filed by
the petitioner holding as follow:-

“As a person has no right for appointment
against a particular post, no decision can be
given that the petitioner has a right to be
appointed against a Class-III post. If any other
similarly situated persons, provided Class-III
appointment and/or, the Compassionate
Committee recommended the name of

petitioner for Class-III post, but in spite of the same, the petitioner has been discriminated, she may bring the same to the notice of the competent authority.”

It is evident that on the facts available that for the same relief the petitioner had earlier approached this Court, which had not been granted to her except to say that she may bring the issue of discrimination to the notice of the competent authority.

In the aforesaid circumstances, no such relief can be granted to the petitioner in the second writ petition as the issue stands concluded by the principles of res judicata.

The writ application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

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