

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.427 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 20254 of 2012

=====

1. Anandi Mandal, S/O- Mahadeva Mandal, Resident And P.O.- Hirambi,
P.S.- Dhoraiya, District- Banka, Presently Residing C/O- Madhuresh Kumar,
Princeton Niketan Private Ltd., 0004 Mirambika Apartment, Boring Road,
Patna

.... Petitioner-Appellant

Versus

1. The State of Bihar Through Principal Secretary, Education (Higher)
Department, Vikas Bhawan, Patna Null Null
2. Principal Secretary, Education (Higher) Department, Vikas Bhawan, Patna
3. Joint Secretary To Govt., Education (Higher) Department, Vikas Bhawan,
Patna
4. Director, (Higher Education), Bihar Education Department, Vikas Bhawan,
Patna Null Null
5. Deputy Director, (Higher Education), Bihar Education Department, Vikas
Bhawan, Patna
6. Director, Bihar Rashtra Bhasha Parishad, Saidpur, Patna

.... Respondents-Respondents

=====

Appearance :

For the Appellants : Mr. K.N. Chaubey, Sr. Adv. with
M/S A.N. Chaubey & Awadhishwar Prasad, Advs.
For the Respondents : Mr.Sudhir Kumar Singh, AC to SC 23

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

3 18-08-2016 The challenge in the present appeal is to an order,
dated 27th January, 2014, passed by the learned single Bench
whereby second round of litigation initiated by the appellants
remained unsuccessful.

Earlier the appellants challenged his demotion from
the post of Office Secretary to Head Clerk. The writ petition
(CWJC No. 5160 of 2003) was dismissed on 29th June, 2006. The
L.P.A. No. 572 of 2006 against the said judgment was dismissed
on 26th September, 2007. The appellants filed an appeal before the
Supreme Court which was also dismissed on 12th April, 2010.
Further curative petition was also dismissed on 20th of January,
2011.

In the meantime, the appellant attained age of

superannuation on 31st January, 2010. It is thereafter the appellant filed a representation to claim parity with other employees. Since, no action was taken on such representation; a writ petition was filed claiming parity under the Bihar Litigation Policy, 2011. It is the said writ petition which has been dismissed by the learned single Bench by the order impugned in the present letters patent appeal.

Once the claim of the appellants has remained unsuccessful up to the Supreme Court, any subsequent action to claim parity in terms of the Bihar Litigation Policy, 2011, is not tenable. As far as the appellants are concerned, the issue stands concluded. The decision in the earlier petition is binding and final between parties and cannot be avoided under the guise of a litigation policy.

Therefore, we do not find that the appellants have right to dispute the concluding decision by invoking the jurisdiction of this Court, again.

The Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Cp:2 SA/-

U	√	T	√
---	---	---	---