

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.18345 of 2016**

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1. Anil Kumar Mandal son of Sri Mahendra Kumar Mandal resident of village Dhabokar, P.O. Lay (Kajra) P.S. Surajgarha, District Lakhisarai (Munger), Bihar, Ex Constable/GD, Force No.913180582 CRPF.

.... .... Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Ministry of Home, Government of India, New Delhi.
2. The Director General of Police, Head Office, C.R.P.F., Block No. 1, Central Office Complex Lodhi Road, New Delhi.
3. The Inspector General of Police, Special Sector, CRPF, Old Secretariat Building, Delhi-54
4. The Deputy Inspector General of Police, CRPF, Neemuch, Madhya Pradesh
5. The Additional Director General of Police, Central Zone, CRPF, Salt Lake, Sector-3, H.C. Block-1, Kolkata, W.B.- 06
6. The Commandant-65 BN, C.R.P.F., Shillong, Meghalaya
7. The Commandant (Personnale) CRPF, Block-1, Central Office Complex, Lodhi Road, New Delhi.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bal Mukund Prasad Sinha, Adv.

For the Respondent/s : Mr. S.D Sanjay, Addl. Soc. Gen.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 17-11-2016**

Heard Mr. Bal Mukund Prasad Sinha learned counsel for the petitioner and Ms. Kanak Verma learned Central Government Counsel for the Union of India.

Although the petitioner endeavours to question his order of dismissal from the post of Constable passed by the respondent authorities of the Central Reserve Police Force but in view of the judgment and order passed by the Hon'ble Madhya Pradesh High Court on a writ petition preferred by the petitioner , a copy of which is

placed at Annexure-5 whereby an identical challenge to the order of dismissal has been dismissed by the Bench by a judgment and order passed on 7.7.2004 and which judgment and order of the Court has attained finality, not being questioned before a superior forum, a mere filing of a mercy petition by the petitioner before the police force cannot give him a fresh cause of action to question the order of dismissal. The judgment and order of the Madhya Pradesh High Court is conclusive on the issue and is binding on the petitioner.

The writ petition apparently is barred by res judicata and thus not maintainable and is dismissed accordingly.

**(Jyoti Saran, J)**

Bibhash/-

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