

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6250 of 2013

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Vishnu Kant Mishra Son Of Late Shashi Nath Mishra Resident Of Mohalla
Ganga Sagar, P.S. - Laheriasarai, District - Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary Cum Director Science And Technology Department, Government Of Bihar, Patna
2. The Deputy Secretary Science And Technology Department, Government Of Bihar, Patna
3. The Joint Secretary (Administration) Science And Technology Department, Bihar, Patna
4. The Deputy Director (Technical) Science And Technical Department, Government Of Bihar, Patna .

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Pd. Singh, Adv.

For the Respondent/s : Mr. Purnendu Singh, GP-27

Mrs. Sunita Kumari, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 22-01-2016 Heard learned counsel for the petitioner and counsel
for the State.

In the present case, the petitioner is seeking identical relief that has been given to the other persons in the writ application, CWJC No. 7638 of 1996 (Akhileshwar Pandey & Ors. Vs. The State of Bihar & Ors.).

It appears that the petitioner was working in a private engineering college, namely, J.M.I.T., Darbhanga. The said college was taken-over by the State Government of Bihar on 31.1.1991 in exercise of Section 5(2) of Private Engineering College (Acquisition) Third Ordinance, 1990.

Learned counsel for the petitioner states that earlier the petitioner along with others had moved before this Court in CWJC No. 769 of 1991 and this Court had rejected the claim of the petitioner and further against that order, L.P.A. No. 1661 of 1996 (Ajay Singh & Ors. Vs. The State of Bihar & Ors.) was filed and, at later stage, this Court, in the case of Akhileshwar Pandey (supra), has taken a different view and granted relief. As the petitioner has already moved this Court and the case had attained finality, it is barred by inter-parte res judicata. If any judgment is passed in favour of any other persons with respect to identical issue, the same cannot be helpful to the petitioner.

In that view of the matter, this petition has no merit to stand. Accordingly, the same is dismissed.

However, if the petitioner is so advised, may take legal course as is available to him.

(Shivaji Pandey, J)

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