

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6837 of 2011

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1. Dr. Parwez Ahmad, S/o Ainul Haque, Behind Cold Storate, Maulana Mazharul Haque Colony, P.S. – Siwan, Distt.- Siwan.
 2. Brij Kishore Sinha, S/o Late Ram Naresh Singh, At + P.O. – Sikanderpur, P.S. Gautambudh Nagar, Distt.- Siwan – 841226.
 3. Dr. Akhlaque Ahmad, S/o Wasi Ahmad, At – Bahuara, PO Bahadurpur, P.S. Barharia, Distt. – Siwan (Bihar).
 4. Dr. Vijay Kumar (Department of Zoology), S/o Dr. Vishwanath Prasad Singh, At – Nai Basti, Mahadeva, P.O. Siwan, District – Siwan, P.S. Siwan Mufassil, Pin Code – 841226.
 5. Awadhesh Kumar Pandey, S/o Late Sri Baidya Nath Pandey, At + P.O. Harihans, P.S. Hussainganj, Distt. – Siwan (Bihar).
 6. Modh. Hasan, S/o Modh. Sayeed, At + P.O. Piperpati, P.S. Baniapur, Distt.- Saran (Chapra).
 7. Dr. Sunil Kumar Giri, S/o Sri Sukhdeo Giri, At – Kharika, P.O. Kharika, P.S. Sonapur, Distt. – Saran (Chapra).

.... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Finance Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Human Resources Department (Higher Education), Govt. of Bihar, Patna.
4. J.P. University, Saran at Chapra through its Registrar.
5. The Vice-Chancellor, J.P. University, Saran at Chapra.
6. The Finance Officer, J.P. University, Saran at Chapra.
7. Z.A. Islamia College, Siwan through its Principal at + P.S. and District – Siwan.
8. Governing Body of Z.A. Islamia College, At, P.S. and District – Siwan through its Secretary.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr.Adv.
 Mr. Mukesh Kumar, Adv.

For the Respondent/s : Mr. Mrigendra Kumar, Adv.
 Mr. Vikash Kumar, AC to Advocate General

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 18-01-2016

Heard Sri Rajendra Prasad Singh, learned senior

counsel, who was assisted by Sri Mukesh Kumar, learned counsel for petitioners, learned A.C. to Advocate General as well as Sri Mrigendra Kumar, learned counsel, who has appeared on behalf of respondent/J.P.University.

2. Seven petitioners, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, have prayed for directing the respondents to fix their salary with effect from the date of their joining i.e. from the year 1990 and pay salary from the date of their appointment up-to 05-03-2006.

3. Petitioners, as per the pleading, are teachers of Z.A.Islamia College, Siwan, which is a minority recognized government aided college. It has been claimed for directing the respondents to fix salary and pay arrear from the date of appointment, which was done some time in the year 1990.

4. On perusal of **Annexure - 3** to the writ petition, it is evident that almost for the same relief, the petitioners had approached this Court by filing a writ petition, vide C.W.J.C. No. 6263 of 1999, which was heard alongwith other connected writ petitions and all those writ petitions stood dismissed being devoid of merit by a long judgment dated 29-09-2005. Against the order of the Single Bench dated 29-09-2005, the petitioners & others preferred appeal, vide L.P.A. No. 1317 of 2005 & other appeals, however; those

appeals were dismissed as withdrawn, particularly; L.P.A. No. 1283 of 2005 stood dismissed as withdrawn by order dated 11-05-2006 by a Division Bench of this Court.

5. Sri Rajendra Prasad Singh, learned senior counsel, by way of referring to **Annexure - 8** to the writ petition, submits that other teachers, who were appointed even after the petitioners, have already been granted relief. Even in respect of petitioners, it has been claimed that they have been directed to pay, but they were denied payment of arrear prior to the year 2005. Accordingly, it has been prayed to direct the respondents to fix and pay the arrear salary with effect from the year 1990. Sri Singh, learned senior counsel for petitioners has further argued that in view of **Annexure - 8** and **10** to the writ petition, it is a case in respect of fresh cause of action and it may not be termed as review of earlier order.

6. On perusal of **Annexure - 3** to the writ petition i.e. order passed on 29-09-2005 by a coordinate Bench of this Court, it is evident that same relief was sought for by the petitioners, which was turned down by a long reasoned order passed by a coordinate Bench of this Court and as such, it would be difficult for this Court to examine the relief sought for in the present writ petition.

7. The Court is of the opinion that since the issue raised in the present writ petition i.e. fixation of salary or payment of

arrear of salary from the date of joining of petitioners i.e. 1990 has already been rejected by a coordinate Bench of this Court, this Court at such a belated stage may not entertain the present writ petition.

8. The writ petition stands dismissed.

(Rakesh Kumar, J.)

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