

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21713 of 2014

1. Binod Kumar Choudhary Son of Shri Vimal Chandra Choudhary Resident of village anihari (Dharamshala Road), P.S.-Manihari, District-Katihar and Presently working as Treasury Guard in the office of Executive Engineer, at work Sub-Division Kesaria and Rural works Department, Work Division Chakia, East Champaran ..

.... Petitioner/s

Versus

1. The State of Bihar, through Secretary Rural Works Department, Patna.
2. Secretary cum-Commissioner, Road Construction Department, Government of Bihar, Patna.
3. Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Engineer in chief cum-Additional Secretary cum-Commissioner, Road Construction Department, Government of Bihar, Patna.
5. The Engineer in -chief cum-Additional Commissioner- cum- Special Secretary Rural Works Department, Government of Bihar, Patna.
6. The Chief Engineer-3, Rural Works Department, Patna.
7. The Chief Engineer, Ganga Pul Pariyojna Upbhag, Road Construction Department, Bihar, Patna.
8. The Superintending Engineer, Ganga Pul, Anchal no.2, Road Construction Department, Bhagalpur.
9. Superintending Engineer, Rural Works Department, Works Anchal, Motihari, (East Champaran).
10. The Technical Advisor, Ganga Pul, Anchal no.2, Road Construction Department, Bhagalpur.
11. The Executive Engineer, National Highway Road Division, Madhepura.
12. Executive Engineer, Rural Works Department, Works Division, Chakia, (East Champaran).
13. Executive Engineer Vigilance Division-3 (Hqrs) Rural Works Department, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr B.K.Sinha, Sr. Advocate
Ms Madhuri Lata

For the Respondent/s : Mr. Vishwambhar Prasad, AC to AAG 5

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-10-2016

The issue which is being agitated by the petitioner has been under consideration of the High Court one to many times. Earliest of the litigation started in the year 1992 and the last of the

orders seems to have been passed on 30th of April, 2014. Whatever the petitioner could achieve or beget within the framework of law has already been allowed by the Courts in various orders. The present claim of the petitioner that he should be given benefit of promotion along with his juniors after due regularization, grant of seniority etc. etc. has already been argued before the various Benches of this Court.

The petitioner may have the freedom to approach the High Court again and again but this Court has certain limitation because the law has also to prevail.

On reading of the orders in entirety, this Court has no doubt that the present writ application is barred by res judicata, if not constructive res judicata.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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CAV DATE	
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