

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WP (S) No.4426 of 2015

Angad Kumar Pandey S/o Shri Sudama Pandey, Aged About 40 Years, R/o Village Sakola, Post Kotmikala, Tahsil Pendra, Police Station Kotmikala, Civil And Revenue District Bilaspur (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, Mantralaya, Police Station Rakhi, New Raipur, District Raipur (Chhattisgarh)
2. Director, Scheduled Caste And Scheduled Tribe Development Department, Directorate Office, Near Ghadi Chowk, Raipur (Chhattisgarh)
3. Chief Executive Officer , Zila Panchayat, Korba (Chhattisgarh)
4. Chief Executive Officer, Janpad Panchayat, Podi Uproda, District Korba (Chhattisgarh)
5. Assistant Commissioner, Office Of Tribal Development Department, Korba Chhattisgarh
6. Chairman, C.G. Professional Examination Board (VYAPAM) C/168 Taigore Nagar, Raipur Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr.Abhishek Pandey, Advocate
For Res.No.1, 2 and 5	:	Mr.Ajit Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/02/2016

1. Earlier, the petitioner had preferred the writ petition being WP (S) No.5408 of 2009 claiming consideration his case for appointment on the post of Shiksha Karmi Grade-III in Janpad Panchayat, Podi Uproda as per his serial number in waiting list. The said writ petition was dismissed on 17.11.2009 finding no merit. Against the said order, writ

appeal was preferred being Writ Appeal No.66 of 2010 which affirmed the order passed by the writ Court by dismissing the writ appeal by order dated 3.5.2012. The petitioner also preferred review petition being Review Petition No.8 of 2013, which was also dismissed. Now, the petitioner has preferred the instant writ petition on the strength of order passed by this Court in WP(S) No.6056 of 2014 (Ku.Sunanda Dutta vs. State of Chhattisgarh & others), decided on 16.7.2015 that he is entitled for the relief.

2. Mr.Ajit Singh, learned State counsel would submit that substantive claim of the petitioner has been dismissed and affirmed in the writ appeal and the present writ petition is hit by principle of constructive res judicata.

3. Admittedly and undisputedly, the petitioner's substantive writ petition claiming consideration on the post of Shiksha Karmi Grade-III has been considered and dismissed by this Court on merits and that has been affirmed in appeal by the Division Bench of this Court and even the review petition has also been rejected. The second writ petition filed raising some additional grounds, in my considered opinion, is hit by principle of constructive res judicata.

4. For the foregoing reasons, the writ petition is liable to be and is accordingly dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-