

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7080 of 2017

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Rakesh Kumar Son of late Sharda Nand Lal Nand Bhawan Gandhi Path Mithapur
Patna-800001.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department, of Industry Patna. Bihar.
3. The Principal Secretary, Department, of Finance Government of Bihar, Patna.
4. The Director Handloom Sericulture, Department of Industries, Bihar, Patna.
5. The Additional Director of Industries (Tech) Department of Industries, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajesh Dayal, Adv.

For the Respondent/s : Mr. Kinkar Kumar, SC9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-07-2017

Heard Mr. Rajesh Dayal, learned counsel for the petitioner
and Mr. Kinkar Kumar, SC-9, for the State.

Mr. Dayal while espousing the cause raised in the present writ petition praying for grant of ACP/ MACP, does not dispute that the issue was earlier raised by this very petitioner in C.W.J.C.No. 9495/2016 and negated by a Co-ordinate Bench of this Court vide judgment and order passed on 16.9.2016, a copy of which is present at Annexure 6 to the writ petition. Mr. Dayal, learned counsel for the petitioner, attempts to distinguish the cause for initiating a second round contest by relying on an opinion expressed by this Court on what he submits, is a similar issue arising from C.W.J.C.No. 18372/2016, present at Annexure 9 to the supplementary affidavit.



In my opinion, even if there be an opinion expressed by this Court vide Annexure 9 which may be suiting the petitioner but in view of inter-party judgment on this very issue raised and contested before this Court in C.W.J.C.No. 9495/2016, present at Annexure 6 which binds the petitioner, the remedy for the petitioner would lie elsewhere and not by way of a second writ petition.

Liberty is granted to the petitioner, if so advised, to exhaust the remedy so available to him but in the circumstances discussed, no indulgence can be granted and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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