

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7870 of 2016

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1. Chandeshwar Mandal son of Late Ayodhi Mandal R/O Village- Dharhara, P.O.- Mahadeo Math , P.S.- Andhra Math, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The State of Jharkhand through its Principal Secretary, Drinking Water and Sanitation, Government of Jharkhand, Ranchi.
3. The Engineer in Chief cum Special Secretary, Public Health Engineering Department, Govt. of Bihar.
4. The Officer on Special Duty, Department of Home (Special), Government of Bihar, Patna.
5. The Under Secretary, Public Health Engineering Department, Patna.
6. The Superintending Engineer, Public Health Engineering Circle, Saharsa.
7. The Executive Engineer cum Proceeding Officer, Public Health Division, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Adv.

For the Respondent/s : Mr. Puneet Siddharth, A.C. to AAG 13

Mr. D.Mukharjeet, Sr. Adv.

Mr. Arup Kumar Chongdar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-06-2017

This is third round litigation for the same cause of action. In the first round, the petitioner did not choose to appear before the Court and the writ petition was dismissed for non prosecution vide judgment and order dated 29.10.2010 passed in C.W.J.C.No.4752 of 2006 enclosed at Annexure-16 to the writ petition. No steps were taken by the petitioner to either get the writ petition restored or for the review of the order dismissing the writ petition on non appearance.

It would be needful to mention here that the matter relates to



allocation of cadre to the State of Jharkhand, which the petitioner is refusing to join.

After sitting pretty for some time since the earlier attempt to judicial recourse, the petitioner again chose to move this Court by filing a writ petition two years thereafter giving rise to C.W.J.C.No.2650 of 2012 but again chose to withdraw the writ petition to represent the respondents in the light of the circular dated 17.12.2009 which was much available to the petitioner even before he chose to come before this Court. The Court making no observation to the relief so sought by the petitioner, dismissed the writ petition as withdrawn on 6.3.2012 vide Annexure-22. The representation of the petitioner has been dismissed by the respondents vide office order dated 14.11.2013 at Annexure-27 and leisurely the petitioner has chosen to come this Court after a lapse of two and half years to file the present writ petition.

Clearly, the petitioner is not only abusing the process of the Court rather is in habit to indulge in luxurious litigation.

The writ petition is dismissed in limine.

(Jyoti Saran, J)

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