

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20862 of 2010

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Vishwanath Kumar, son of Shri Indradeo Singh, resident of village Pothiya, P.O. Pinjarama, P.S. Kinjar, in the district of Jehanabad

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna
2. The Director-in-Chief, Health services, Govt. of Bihar, Patna
3. The District Magistrate cum Collector, Jehanabad
4. The Civil Surgeon cum Chief Medical Officer, Jehanabad
5. The Civil Surgeon cum Chief Medical Officer, Arwal
6. The Incharge Medical Officer, Additional Primary Health Centre, Koriyam under Arwal Block, in the district of Arwal

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Respondent/s : Mr. V.M.K. Sinha, SC3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 24-05-2017

Heard learned counsel for the parties.

The petitioner has chosen to question the termination order dated 31.12.1999, impugned at Annexure 3, but taking note of the order present at Annexure R/3 to the counter affidavit, which is an order passed by a Bench of this Court in an earlier round of proceeding initiated by the petitioner, giving rise to C.W.J.C.No. 9932/1999, whereby the petitioner although praying for payment of salary for the period prior to termination, has not chosen to question the termination order, the present writ petition is held not



maintainable, barred on the principle of constructive resjudicata besides suffering from gross delay and laches.

The writ petition is accordingly dismissed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.05.2017
Transmission Date	NA

