

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1908 of 2016

IN

Civil Writ Jurisdiction Case No. 7652 of 2014

- =====
1. Bharat Sah, son of Sri Sohan Lal Sah, resident of village - Mahuawan, P.S. Kataiya, District - Gopalganj.
 2. Baliram Prasad, Son of Sri Dina Nath Prasad, resident of Village - Ekdarwa, P.S. Uchkagaon, District - Gopalganj.
 3. Kanhaiya Prasad, son of Late Narayan Sah, resident of village - Sripur, P.S. Kalyanpur, District - Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources, Government of Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
4. The Director, Primary Education, Bihar, Patna.
5. The District Magistrate, Gopalganj.
6. The District Superintendent of Education, Gopalganj, at present District Project Officer (Establishment), Gopalganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr. AC to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-11-2017

Once in the earlier writ petition filed by the petitioner, the order passed on 30.07.2010 was specific to the effect that the petitioner would only be entitled to continuity of service for the purpose of seniority and pension and would not be entitled to salary for the intervening period and this order in the lis between the petitioner and the respondents have attained finality. Merely because



in a subsequent judgments rendered in the case of other employees benefits of arrears of salary has been granted, the same cannot be extended to the petitioners.

In the order passed on 30.07.2010, which has attained finality, there being specific finding to the effect that petitioners shall not be entitled to salary, this operates as a *res judicata* between the petitioners and the respondent and in dismissing the writ petition on the said ground, no error has been committed warranting reconsideration.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
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