

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7476 of 2008

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Hira Prasad son of Shri Kali Ram, resident of Village Shekhodeora, Police Station Kawakole, District Nawadah

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Department of Forest and Environment, Bihar, Patna.
3. Principal Chief Conservator, Bihar, Patna.
4. Forest Conservator, Magadh Range, Sanyukta Van Bhawan, Nehru Nagar, Patna-13.
5. Divisional Forest Officer, (D.P.A.P.), Nawadah

.... Respondents

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Appearance :

For the Petitioner : Mr. R.K. Ranjan,
Mr. Binod Kumar Yadav, Advocates
For the Respondents : Mr. Nikesh Kumar, AC to SC 20

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-08-2017

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents to reappoint the petitioner on the vacant post of Peon in the Department of Forest and Environment; and for connected reliefs.

3. At the very outset, this Court takes notice that the petitioner had earlier approached this Court for the same relief in CWJC No. 2402 of 1991 which was disposed of by order dated 23.04.1991 (Annexure-1) directing the respondent no. 5 to dispose of the representation filed by the petitioner.

4. Though steps have been taken from time to time, the



petitioner has finally once again approached this court with the present writ petition for similar cause of action. If the concerned authority failed to dispose of the representation of the petitioner as stated in paragraph 3 of the writ petition, the remedy available to the petitioner was to have filed a contempt petition before this Court instead of which the petitioner has over again approached this Court with the present writ petition for similar cause of action.

5. Learned counsel for the State opposes the writ petition and also points out from the counter affidavit that the representation of the petitioner has now been disposed of on 08.04.2008 (Annexure-A to the counter affidavit). It is stated that the petitioner's appointment had illegally been made without advertisement of post, without fulfilling minimum eligibility criteria, without following any roster clearance, without examination and interview by the authority not competent to make the appointment. It is therefore not possible for the respondents to re-appoint the petitioner.

6. Having regard to the stand of the respondents which has not been controverted and no rejoinder to the counter affidavit has been filed, this Court finds the writ petition devoid of any merit, even frivolous, which has resulted in wastage of Court's time.

7. The petitioner also appears to have challenged the impugned order dated 20.06.1982 in I.A. No. 5362 of 2017. A perusal of paragraph 4 of the interlocutory application shows that the petitioner



has already taken this ground in the earlier writ petition in CWJC No. 2402 of 1991 which was disposed of on 23.04.1991 and has over again raised the said issue in the present writ petition. This is completely impermissible and against the public policy.

8. Having regard to the above, the writ petition as well as the interlocutory application stand dismissed with cost of Rs. 2000/- (Rupees two thousand) to be paid to the Patna High Court Legal Aid Committee within two months from today, failing which the same shall be realized from the petitioner as arrears of land revenue.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.08.2017
Transmission Date	N.A.

