

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1836 of 2017

In

Civil Writ Jurisdiction Case No. 15373 of 2014

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Ram Bachan Ram, S/o Late Jangi Ram, resident of Village- Gagarhi, P.S.-
Ramgarh, District Kaimur at Bhabua.

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Rohtas (Kaimur).
4. The District Superintendent of Education, Rohtas.
5. The District Superintendent of Education, Bhabua at Kaimur.
6. The Block Development Officer-cum- Inquiry Officer, Chand, Kaimur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Tiwari, Advocate

Dr. Pramod Kumar Pandey, Advocate

For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 04-01-2018

Once C.W.J.C. No. 13415 of 2004, which was filed

by the present petitioner Sri Ram Bachan Ram himself and was
withdrawn by his counsel, the observations made by the learned
Writ Court in the impugned order that the provisions of *res*
Judicata would apply, in our view, is absolutely correct and
cannot be termed as erroneous. Withdrawal of a writ petition
without making any reservation or seeking liberty amounts to *res*
judicata as laid down by the Hon'ble Supreme Court in the case of
Sarguja Transport Service Vs. State Transport Appellate Tribunal,



Gwalior and others, reported in AIR 1987 SC 88.

That being so, the only option, in our considered view, available to the appellant is to seek recall of the order dated 20.03.2006 passed in C.W.J.C. No. 13415 of 2004 or seek its modification and thereafter take such terms as are permissible under the law for challenging the impugned action.

Granting the aforesaid liberty to the appellant, we dispose of the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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