

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6654 of 2015

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1. Madhusudan Prasad. Son of Shri Rajeshwar Prasad. Resident of village/Mohalla - Baswariya Bhikki Medical, Emali Chouk, P.S.- Bettiah Town, District - West Champaran.
 2. Ebrahim Miyan. Son of Late Julphan Miyan. Resident of village - Siswa Saraya, P.O.- Oujhawalia, District - West Champaran.
 3. Suresh Baitha. Son of Late Faguni Baitha. Resident of village - Kanpatti Harishan Tola, P.S.- Mehashi, District - West Champaran.

.... Petitioners

Versus

1. The State of Bihar through the Commissioner Cum Secretary, P.H.E.D. New Secretariat, Patna.
2. The Engineer-in-Chief, Public Health Engineering Department (P.H.E.D.), New Secretariat Patna.
3. The Chief Engineer, P.H.E.D. at P.O.- Muzaffarpur, District - Muzaffarpur.
4. The Superintending Engineer, P.H.E.D. Bettiah, District - West Champaran.
5. The Executive Engineer, P.H.E.D., Division at P.O.- Bettiah, District - West Champaran.
6. The Junior Engineer, P.H.E.D., Chanpatiya, District - West Champaran, Bettiah.
7. The Junior Engineer, P.H.E.D., Narakatiyaganj, District - West Champaran, Bettiah.

.... Respondents

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Appearance :

For the Petitioners : Mr. Satya Prakash Sinha, Advocate
For the State : Mr. Rishi Raj Sinha, SC 19 and
Mr. Saurabh Kumar, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 20-08-2018

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

Petitioners submit that they were terminated from amongst the daily rated Majdoors who were working in the Department. They claim parity with one Jawahar Ram, petitioner of C.W.J.C.No. 10451 of 2002. It is their case that along with said Jawahar Ram they too were terminated in year 2007. He submits



that since the matter was being considered for reinstatement/regularization of other similarly situated employees, this Court disposed of the case leaving the matter for the Department to consider. The instant writ petition reveals that subsequent to the writ petition filed by Jawahar Ram, the instant writ petitioner nos. 1 and 2 approached this Court by filing writ petition bearing C.W.J.C.No. 17311 of 2009, whereas petitioner no.3 approached this Court earlier by filing C.W.J.C.No. 10215 of 2011. On both occasions, this Court has allowed the petitioners to move for departmental remedies. Pursuant to the said two orders, dated 9.2.2010 passed in C.W.J.C.No. 17311 of 2009 filed by petitioner no.1 and 2 and the order dated 9.9.2011 passed in C.W.J.C.No. 10215 of 2011 filed by petitioner no.3, there is nothing on the record to show whether they have approached the departmental authorities and what has been the outcome of such exercise.

On behalf of petitioners again a prayer is made in the instant proceedings that the respondents be directed to consider their claim. Such successive prayer for the same relief, when the relief has been granted to the petitioners in their earlier writ proceedings, is not maintainable. Petitioners have not placed on record what has happened after the said orders dated 9.9.2011 &



9.2.2010 whether they approached the State authorities or not. In absence of any pleadings regarding development subsequent to passing of the said two orders on petitioners’ earlier writ petitions, there is no occasion to this Court to exercise its writ jurisdiction in favour of the petitioners.

The writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.8.2018
Transmission Date	NA

