

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18749 of 2010

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Dinanath Prasad Yadav S/O Sri Amla Prasad Yadav R/O Village And P.O.-
Bakhariya, P.S.- Majhauriya, Distt.- West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar Through The Commissioner-Cum-Secretary Human Resources Department, Government Of Bihar, Patna
2. The Collector, West Champaran, Bettiah
3. The Sub-Divisional Officer, Sadar, Bettiah
4. The Block Development Officer, Majhauriya Block, Bettiah
5. The Sarpanch, Gram Kachahari, Panchayat Raj Bakhariya, Block Office, Majhauriya, Distt.- West Champaran
6. Raju Kumar S/O Banaras Prasad R/O Vill.- Bakhariya, P.S.- Majhauriya, Distt.- West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr. (Gp4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-06-2018

It appears that the petitioner has approached this Court earlier by filing a writ petition bearing CWJC No. 451 of 2010 and this Court by an order dated 3.8.2010 had decided the aforesaid writ petition, relevant paragraph whereof are reproduced herein below:-

“ From the order of the Sub-Divisional Officer it appears that the services of the petitioner have been terminated by letter no. 4 dated 17.5.2008 on account of negligence and deficiency in discharge of duties. The petitioner has not pleaded in the writ application at any place that no such order has been passed terminating his service, nor has he alleged that



on challenge by him such an order has been upset by an appropriate forum.

This Court is therefore satisfied that the issue of his eligibility or ineligibility for appointment on grounds of non-relaxation of age or claim for the relaxation made by him is an academic issue. So long as the order of termination dated 17.5.2008 issued vide letter no.4 subsists the present adjudication shall remain a fruitless exercise.

Learned counsel for the petitioner then seeks leave to withdraw the application to assail the order dated 17.5.2008, if so advised. The Court makes no observation with regard to the same.

The writ application is dismissed as withdrawn.”

In view of the aforesaid, the present writ petition is barred by the principles of res judicata and constructive res judicata, hence the same is dismissed.

(Mohit Kumar Shah, J)

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