

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11062 of 2014

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1. Kamal Kishore Sharma Son of Late Turanti Lal Sharma resident of village and P.O.- Kodhali, P.S. & Block- Saraigarh Bhaptiyahi, District- Supoul
 2. Tej Narayan Mandal Son of Late Lutan Singh, resident of village Baltharwa, P.O.- Baltharwa, P.S.- Bhaptiyahi, District- Supoul
 3. Hari Narayan Yadav Son of Late Swarooplal Yadav, resident of village- Sarayagarh, P.S.- Bhaptiyahi, District- Supoul
 4. Hridaya Narayan Sah son of resident of village- Sarayagarh, P.S.- Bhaptiyahi, District- Supoul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Vikash Bhawan, Patna, Bihar.
3. The Director Sanskrit Education, Government of Bihar, Patna
4. The Chairman/Secretary Bihar Sanskrit Shiksha Board, East Boring Canal Road, Patna
5. The District Education Officer, Supoul
6. I/C Head Master, Koshi Primary Cum Middle School Kodhu, P.S. Saraigarh, Bhaptiyahi, District- Supoul

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Giri, Advocate
For the BSSB	:	Mr. Satyam Shivam Sundaram, Advocate Mr. Shashank Shekhar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 20-08-2018

This is second round of litigation for the issue of arrears of Dearness Allowance. In CWJC No. 12923 of 2012 this issue was raised. However, the said writ petition was disposed of on 30.07.2012 in the following terms:

“The unexplained delay does not persuade the Court to entertain the stale and belated claim. The pleading in para 9 for having represented earlier not supported by any documentary



evidence is not an explanation to the satisfaction of the Court. If so advised, the petitioner may pursue his remedies before the authorities themselves. But any order passed by the authorities shall remain circumscribed by the observations of the Supreme Court in (2008) 10 SCC 115 (C.Jacob V. Director of Geology and Mining) in so far as any fresh cause of action on the same before a court of law is concerned.”

After the aforesaid order contained in Annexure-2, the petitioner has filed the present writ petition for the same relief. If the writ petition filed in 2012 was not entertained by the writ court holding that ‘unexplained delay does not persuade the Court to entertain the stale and belated claim then the court has failed to understand how the writ petition for the same relief is maintainable in 2014.

Accordingly, the writ petition is dismissed for the reason that the earlier writ petition filed for the same relief was dismissed as stale.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.8.2018
Transmission Date	

