

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6881 of 2019

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1. Yogendra Singh, s/o Sri Subansh Singh, resident of village- Chankap, P.O.- Narendra Khap, P.S.- Kutumba, Distt.- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Suhi, Block- Kutumba, Distt.- Aurangabad.
 2. Sarun Kumar Paswan, s/o Ramchandra Paswan, resident of village and P.O.- Matpa, P.S.- Kutumba, Distt.- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Matap, Block- Kutumba, Distt.- Aurangabad.
 3. Rekha Devi, w/o Sri Shyam Chandra Yadav, resident of village- Khetpura, P.O.- Rajpur, P.S.- Rishiup, Distt.- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Rishiup, Block- Kutumba, Distt.- Aurangabad.
 4. Nazma Khatoon, w/o Md. Suleman, resident of village- Khaira Jiwa Bigha, P.O.- Kateya, P.S.- Amba, Distt.- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Karma Basantpur, Block- Kutumba, Distt.- Aurangabad
- Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
 2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
 3. The District Magistrate, Aurangabad, Distt.- Aurangabad
 4. The District Programme Officer, Aurangabad, Distt.- Aurangabad
 5. The Child Development Project Officer Kutumba, Distt.- Aurangabad
- Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Prasant Pratap, GP-2 Mr. Gyan Shankar, AC to GP-2

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-11-2019

Nobody appears on behalf of the petitioners.

2. Learned GP-2 for the State has assisted the Court.

3. At the very outset, learned counsel for the State drew the attention of the Court to paragraph 27 of the application in which it has been stated that earlier for the same cause of action CWJC No.812 of 2018 was filed by the



petitioners, which was withdrawn. It was submitted that even though it has further been stated that due to confusion one of the petitioners had prayed for withdrawal of the case, whereas, the others had not given consent, it may, at best, be a ground for review of the order dated 30.10.2018 by which the earlier writ was withdrawn, but cannot be a ground to file a fresh writ application like the present one for the same cause of action, without liberty having been granted to do so in the earlier writ petition, in view of the law laid down by Hon'ble Supreme Court in the case of *Sarguja Transport Service vs. State Transport Appellate Tribunal* reported as *1987 AIR SC 88*.

4. In the aforesaid background, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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