

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12574 of 2014

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Navin Kumar, son of Late Lakhan Mahto, Resident of Village- Harshankarpur
Baghauni, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Agriculture,
Government of Bihar, Patna
2. The Secretary, Personnel and Administrative Reform Department,
Government of Bihar, Patna.
3. The Administrator, Bihar State Agriculture Marketing Board, Government of
Bihar, Patna.
4. The Finance Commissioner- cum- Secretary, Department of Finance,
Government of Bihar, Patna.
5. The Sub Divisional Officer- cum- Special Officer, Agriculture Produce
Market Committee (Abolished), Tajpur, District - Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Nakul Kumar Jamuar, Advocate
For the Respondent/s : Mr Anil Kr Singh, GP XXVI

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 29-04-2019

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

2 Petitioner approached this Court earlier in CWJC No
14601 of 2006 raising grievance regarding his termination from
the services of the respondent-Board. Petitioner was granted
liberty to approach the forum under Section 25F of the Industrial
Disputes Act. The order of the Writ Court was affirmed up to the
Division Bench. Petitioner thereafter, has approached the Labour



Court at Begusarai with respect to his aforesaid grievance. Reference Case No 1 of 2010 was considered by the Labour Court. Order dated 13.02.2012 has been passed therein to absorb the petitioner on the previous post.

3 The instant writ petition has again been filed for issuance of a writ to the respondents to consider the case of the petitioner for appointment on Class IV post under the respondent-Board as Sweeper on daily wages basis. Again, the petitioner has alleged violation of Section 25F of the Industrial Disputes Act. The instant writ petition is claiming a relief which was earlier claimed by the petitioner in proceedings arising out of CWJC No 14601 of 2006 in which this Court, refusing to exercise its discretion in favour of the petitioner under Article 226 of the Constitution of India, had observed that the issues raised were in the domain of a Labour Court. Pursuant to the said observation, the petitioner, as per Annexure 12, has availed opportunity before the Labour Court. However, again a writ petition for the same relief, as claimed in CWJC No 1461 of 2006, has been filed.

4 This Court would observe that such successive writ petition, for the same relief when relief has been declined on the earlier occasion and pursuant thereto petitioner has already availed his remedy before the Labour Court, would not be maintainable.



5 Writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.04.2019
Transmission Date	NA

