

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1981 of 2016

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1. Jairam Yadav and Ors Son of Late Yaduvir Choudhary, Resident of village-Mojahidpur, P.O.- Dhanauti Math, P.s.- Moffasil Siwan, District- Siwan
 2. Durgawati Devi, Wife of Late Janakdev Yadav, Resident of village-Mojahidpur, P.O.- Dhanauti Math, P.s.- Moffasil Siwan, District- Siwan
 3. Reeta Kumari, Wife of Late Janardan Choudhary, Resident of village-Mojahidpur, P.O.- Dhanauti Math, P.s.- Moffasil Siwan, District- Siwan

... .. Petitioners

Versus

1. The State Of Bihar through the chief Secretary Government of Bihar, Patna
2. The Principal Secretary, Education Department, Bihar, Patna
3. The Deputy Secretary Home Special, Department, Bihar, Patna
4. The Director Secondary Education, Bihar, Patna
5. The Regional Deputy Director of Education, Saran Division, Chapra
6. The District Magistrate cum the Chairman, District Compassionate Committee, Siwan
7. The District Education Officer, Siwan

... .. Respondents

Appearance :

For the Petitioners : Mr.Dilip Kumar Tewari, Advocate
For the Respondents : Mr.Pratik Kr. Sinha, AC to GA V

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 28-02-2019 Heard learned counsel for the petitioners as well as learned counsel for the State.

The petitioners have approached this Court for relief that they should be put back in their service which were terminated by the order dated 29.7.2004, annexure 5 issued by the District Magistrate, Siwan.

For setting aside the same order dated 29.7.2004 petitioners had earlier approached this Court by filing writ petition. Writ petition of the petitioners was finally disposed of by order dated 11.9.2006 passed in C.W.J.C.No. 14627 of 2004. Order passed in the said writ petition is being re-produced for clarity:



“In the circumstances, this writ petition is disposed of with observation and direction that in the event appeal of the State bearing Letters Patent Appeal No. 860 of 2002 succeeds then the termination order no. 105/2004 bearing Memo No. 571 dated 29th July, 2004, Annexure 1 shall automatically be set aside and the petitioners will be reinstated on the post from which they have been terminated, with all consequential benefits including back wages.”

Subsequent to the disposal of the earlier writ petition, LPA filed by the State was not allowed and did not succeed, petitioners would thus not be entitled to reinstatement on the post from which they were terminated.

Quashing of the same order has been prayed for in the instant proceedings, as relief of the reinstatement of the petitioners cannot be granted unless order dated 29.7.2004 is quashed.

This Court would observe that since for the same relief the petitioner has moved this Court in the proceedings arising out of C.W.J.C.No. 14627 of 2004 in which there is already a decision in this respect as taken note hereinabove. There is no occasion for this Court to issue any order in the instant proceedings for the same relief again, when claim stands decided.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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