

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10014 of 2019

Binod Paswan Son of Late Mahavir Paswan, resident of Village and Post Office- Yajuar, Police Station- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Teacher Appointment Appellate Authority, Muzaffarpur.
3. The Collector, Muzaffarpur.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer (Establishment), Muzaffarpur.
6. The Block Education Officer, Police Station and Block- Katra, District- Muzaffarpur.
7. The Panchayat Secretary, Gram Panchayat Raj Yajuar West, Police Station + Block- Katra, District- Muzaffarpur.
8. The Mukhiya, Gram Panchayat Raj Yajuar, West, Police Station + Block- Katra, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mazharul Hassan
For the Respondent/s	:	Mr.Prabhat Ranjan Singh, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 07-05-2019

The present writ petition has been filed for quashing the order dated 10.10.2018 passed by the State Appellate Authority in Appeal No. 54 of 2018 whereby and whereunder the appeal of the petitioner has been dismissed.

2. Without going into the merits of the case, the petitioner is liable to be non-suited on the ground of the present writ petition being barred by the principle of res judicate and constructive res judicata, as also on the principles of suppressio veri suggestio



falsi.

3. The petitioner is said to have been appointed as Panchayat Shiksha Mitra in the year 2003 on contractual basis. The petitioner is also said to be running a P.D.S. shop since the year 2002, however according to the petitioner when he was appointed as a Panchayat Shiksha Mitra, the P.D.S. business was being looked after by his family members. Subsequently, the selection of the petitioner was challenged before the learned District Magistrate, Muzaffarpur and the learned District Magistrate by an order dated 4.3.2009, as contained in memo dated 13.3.2009, had come to the conclusion that the appointments of the petitioner and one another namely, Umesh Paswan have been made in an illegal manner on the post of Shiksha Mitra, hence their appointments were cancelled. It appears that thereafter, the petitioner and the said Umesh Paswan had approached this Court by filing a writ petition bearing C.W.J.C. No. 5394 of 2009, seeking to challenge the cancellation of their appointments as Panchayat Teacher, however, this Court by an order dated 28.04.2009 found no merit in the writ petition and dismissed the same. Thereafter, apparently, the petitioner did not challenge the said order dated 28.4.2009 and instead, in the year 2011, again approached this



Court by filing another writ petition bearing C.W.J.C. No. 8291 of 2011, but the same was dismissed as not pressed. Not being satisfied with the dismissal of his two writ petitions, the petitioner then approached the District Teacher Appointment Appellate Authority, Muzaffarpur in a clandestine manner, however, the same was dismissed by an order dated 12.9.2013. Thereafter, the petitioner had approached the State Appellate Authority against the said order dated 12.9.2013, however, the State Appellate Authority by an order dated 10.10.2018 has dismissed the appeal and the said judgment of the State Appellate Authority, Bihar, Patna is a self speaking and a judicious order.

4. I have heard the learned counsel for the petitioner and perused the materials on record and I find that the petitioner has deliberately suppressed the order dated 28.4.2009 passed by this Court in the writ petition filed by the petitioner i.e. C.W.J.C. No. 5394 of 2009 whereby and whereunder the writ petition, challenging the cancellation of the appointment of the petitioner herein as a Panchayat Teacher, had been dismissed and has also attained finality. In such view of the matter, the petitioner was estopped from filing any other writ petitions, but he engaged in filing frivolous writ petitions one after the other, including the



present one, pertaining to the same subject matter & issue, thus engaging in a blatant abuse of the process of the Court.

5. For the reasons mentioned hereinabove, the present writ petition is clearly barred by the principles of res judicata and also amounts to overreaching the process of the Court and wasting the Court’s time, hence, the same is dismissed.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	27.5.2019
Transmission Date	NA

