

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15703 of 2011

=====

NARESH RAM S/O Late Jagarnath Ram R/O Village- Lakhana, Police Station - Punpun, District- Patna, At Present Residing At Mohalla- Adalatganj, Police Station - Kotwali, District- Patna

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director-In-Chief Department Of Health Services, Government Of Bihar, Patna
3. The Deputy Secretary Department Of Health, Medical Education And Family Welfare, Government Of Bihar, Patna
4. The Civil Surgeon-Cum-Chief Medical Officer, Patna

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Neel Nikhar
		Mr. Sanjeev Kumar Mishra
For the Respondent/s	:	Mr.Lalit Kishor Aag1

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 09-09-2019 Writ petition has been filed seeking quashing of order dated 26.7.2011 passed by Deputy Secretary.

For the same relief petitioner had earlier approached this court. The writ petition was disposed of by order dated 19.7.2007 passed in CWJC No. 11079 of 2001. Petitioner was given liberty to file a representation in support of his claim that the order of dismissal dated 26.7.2001 was unsustainable on account of the fact that petitioner's appointment was on compassionate ground. The authorities have found that petitioner's appointment was not made by compassionate committee and that it was made by an incompetent authority. In the circumstances, certain direction has been issued for



considering petitioner's claim by District Compassionate Committee after obtaining an application form of the petitioner in the prescribed format. Decision to this effect is dated 18.4.2011 issued by Director in Chief, Health Services. The said decision is Annexure 9 to the writ petition.

In spite of such decision in favour of the petitioner, again instant writ petition has been filed challenging the same order dated 26.7.2001 which was the subject matter of CWJC No. 11079 of 2001. Records further reveal that for the same relief the petitioner had filed another writ petition bearing CWJC No. 14046 of 2010. Taking note of the fact that the issue cannot be re agitated or re looked the writ petition was disposed of on 18.4.2011.

In the aforesaid background, this is the third writ petition for quashing of the same order dated 26.7.2001. Successive writ petitions for the same relief when the matter has already been looked into and decided by Annexure 6 i.e. order dated 19.7.2007 passed in CWJC No. 11079 of 2001 to say the least should be avoided.

The writ petition, in view of aforesaid circumstances, does not require any consideration as the same would amount to re looking the order passed in CWJC No. 11079 of 2001, which prayer has already been rejected in CWJC No. 14046 of 2010.

The writ petition is dismissed.

SNkumar/-

(Madhuresh Prasad, J)

U			
---	--	--	--

