

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1635 of 2017

In
Civil Writ Jurisdiction Case No.7551 of 2016

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1. Ramshray Rai son of Late Acchelal Rai, resident of Village and P.O.- Sonbarsa, P.S.- Sonbarsa, District- Sitamarhi.
 2. Bihha Devi, wife of Late Nagendra Jha, resident of Village- Rain Bishuni, P.S.- Runni Saidpur, District- Sitamarhi.

... .. Appellants

Versus

1. The State Of Bihar through the Principal Secretary, Department of Health, Medical Education and Family Welfare, New Secretariat, Vikas Bhawan, Bailey Road, Patna
2. The Principal Secretary, Department of Health, Medical Education and Family Welfare, New Secretariat, Vikas Bhawan, Bailey Road, Patna
3. The Civil Surgeon-cum-Chief Medical Officer, Sitamarhi
4. The Additional Chief Medical Officer, Sitamarhi.
5. The Incharge Medical Officer, Primary Health Centre, Bathnaha, Sitamarhi
6. The Incharge Medical Officer, Primary Health Centre, Majorganj, Sitamarhi

... .. Respondents

Appearance :

For the Appellants	:	Mr. Najmul Hoda Mr. Alok Kumar Alok, Advocates
For the Respondents	:	Mr. Wasi Ahmed Khan, AC to SC 25

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 17-01-2020 Heard learned counsel for the appellants and the respondents.

The present memorandum of appeal has been filed against the order dated 02.05.2017 passed by the learned Single Judge in CWJC No. 7551 of 2016 titled as **“Rajendra Sah & others Vs. The State of Bihar & others”** whereby the writ petition filed by the appellants has been dismissed.



Having heard learned counsel for the appellants, we are of the considered view that the findings recorded by the learned Single Judge by the impugned order dated 02.05.2017 passed in CWJC No. 7551 of 2016 titled as “**Rajendra Sah & others Vs. The State of Bihar & others**” cannot be said to be perverse or not borne out from the records.

Our attention has been invited to the interim order dated 09.03.2018 passed in the instant appeal. Well, this is, prima facie, expression of the order at the time of issuance of notice.

Today, having heard learned counsel for the parties, we are of the considered view that the appellants have tried to overreach the judgment rendered in the earlier writ petition being CWJC No. 15543 of 2005 titled as “**Yadu Lal Sah & others Vs. The State of Bihar & others,**” so filed by them. In fact, the subsequent writ petition is nothing but an abuse of process of law.

As such, the present appeal stands dismissed.

(Sanjay Karol, CJ)

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(Anil Kumar Upadhyay, J)

