

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14660 of 2021

1. Anamika Kumari @ Anamika Raj daughter of Rajendra Kumar resident of Dalmia Compound Road No. 3, Police Station- Muffassil, P.O.- Buniyadganj, Lakhibagh Manpur, District- Gaya.
2. Ashutosh Kumar son of Sri Vijay Sharma resident of Village- Kospa, P.O.- Kospa, Police Station- Alipur, District- Gaya.
3. Kumari Ranju Singh wife of Sri Brajesh Kumar resident of Village and P.O.- Latta, Police Station- Pauthu, District- Aurangabad.
4. Asha Rani daughter of Sri Nand Kishore Gahlot resident of Village- Barirat, P.O.- Titeri, Police Station- Guraru, District- Gaya.
5. Ravi Kumar son of Late Jai Prakash Sharma resident of Vinova Nagar, P.O.- Chandauti, Police Station- Magadh Medical, District- Gaya.
6. Srikant Sharma son of Ramdhani Singh resident of Village- Barma, P.O.- Sahopur Barma, Police Station- Gurua, District- Gaya.
7. Deepak Kumar son of Sri Raju Prasad resident of Village- Kendua, P.O.- Kendui, Police Station- Magadh Medical, District- Gaya.
8. Pankaj Kumar son of Sri Lal Narayan Singh resident of Village and P.O.- Sandaa, Police Station- Tekari, District- Gaya.
9. Anjani Kumari daughter of Sri Suresh Sharma resident of Village and P.O.- Kespa, Police Station- Alipur, District- Gaya.
10. Rupam Kumari daughter of Sri Srikant Sharma resident of Village- Pirijpura, P.O.- Sikandapur, Police Station- Shakurabad, District- Jehanabad.
11. Santosh Kumar Sharma son of Sri Ram Kumar Sharma resident of Brahamarshi Chowk, Sri Krishna Nagar, Ahri, District- Aurangabad.
12. Mukesh Kumar son of Parmeshwar Thakur resident of Village- Yoganijaga, P.O.- Bariyarpur, Police Station- Sakra, District- Muzaffarpur.
13. Shiv Shankar Chaudhary son of Sri Satya Narayan Chaudhary resident of Village- Akaha, P.O.- Akaha, Police Station- Ujjiyarpur, District- Samastipur.
14. Abhishek Ranjan son of Sri Madheshwar Singh resident of Village- Satpura, P.O.- Bara Koryam, Police Station- Arwal, District- Arwal.
15. Prakash Kumar son of Late Munaki Das resident of Village- Binova Nagar, P.O.- Chandauti, Police Station- Magadh Medical, District- Gaya.
16. Daizy Kumari wife of Awadhesh Kumar resident of Village- Bathani, P.O.- Karki, Police Station- Konch, District- Gaya.
17. Suman Kumar son of Sri Deonarayan Yadav resident of Village- Charkawa, Upar Dhi Haji, P.O. and Police Station- Rafiganj, District- Aurangabad.
18. Rakesh Kumar son of Sri Rajeshwar Ray resident of Village- Karhatiya Bujurg, P.O.- Karhatiya Bujurg, Police Station- Goraul, District- Vaishali.
19. Rajdeo Ram son of Sri Shivbarat Ram resident of Village and P.O.- Solra, Police Station- Paraiya, District- Gaya.
20. Pinki Kumari daughter of Late Dharmendra Kumar resident of Village-



Rajendra Path, Telbigha, Gaya P.O.- R.S., Police Station- Kotwali, District- Gaya.

21. Upendra Kumar son of Sri Surendra Yadav resident of Village- Bhagwanpur, P.O.- Chandauti, Police Station- Belaganj, District- Gaya.
22. Sumant Paswan son of Sri Siddheshwar Paswan resident of Village- Sheikhpura, P.O.- Sadopur, Police Station- Alipur, District- Gaya.
23. Anil Kumar son of Sri Mundrika Prasad Singh resident of Village- Kharouna Khurd, P.O.- Karma Pandey, Police Station- Paraiya, District- Aurangabad, Bihar.
24. Guddu Kumar son of Sri Shyamdeo Paswan resident of Village and P.O.- Pachada, Police Station- Hisua, District- Nawada.
25. Randhir Kumar Gautam son of Sri Babulal Rajak resident of Village- Nila Tola Dindayal Nagar, P.O.- Pandey Parsawan, Police Station- Buniyadganj, District- Gaya.
26. Amarjit Kumar Suman son of Sri Gopal Ram resident of Village- Rajpur, Post- Kanbaheri, Police Station- Muffassil and District- Aurangabad.
27. Sudhir Kumar son of Sri Bashishth Ray resident of Village- Panapur, Derh Bigahiya, Post- Sarmastpur, Police Station- Mahnar, District- Vaishali.
28. Sonelal Paswan son of Late Rajendra Paswan resident of Village- Dih Gorihar, Post- Khalikhnagar, Police Station- Sakra, District- Muzaffarpur.
29. Rinki Devi @ Rinki Kumari wife of Late Vishwanath Paswan resident of Village- Nima, Post- Pandey Parsawan, Police Station- Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The Principal, Anugrah Narain Magadh Medical College, Gaya.
5. The Deputy Development Commissioner, Gaya.
6. The Secretary to the Commissioner, Gaya.
7. The Regional Additional Director (Health Services), Magadh Division, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate
For the Respondent/s	:	Mr. Ajay Behari Sinha, Sr. Advocate (Ga8)
		Ms. Kalpana, Ac. To Ga8



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 08-12-2021

Heard learned counsels for the parties.

In the instant petition, the petitioners have prayed for the following reliefs:

“(i) For issuance of appropriate writ/writs, order/orders for setting aside the order dated 23.12.2017 contained in Memo No. 2058 issued by the Principal, Anugrah Narain Magadh Medical College, Gaya, whereby and whereunder in compliance of decision taken on 22.12.2017 contained in Memo No. 1506 (4) issued by the officer on Special Duty, Health Department, Bihar, Patna the services of the petitioners on contractual basis has been terminated without issuing any notice to them.

(ii) For staying the operation of the order dated 23.12.2017 issued by the Principal, Anugrah Narain Magadh Medical College, Gaya and to permit the petitioners to continue to work on their respective posts during pendency of the present writ application.

(iii) And/or for any other relief or reliefs to which the petitioners may be found entitled to in course of hearing of this writ application.”

Petitioners were appointed on contractual basis for a period of 11 months and it was continued up to 2018. Thereafter, it was discontinued thus, the petitioners approach this Court in C.W.J.C No. 1534 of 2018, it was dismissed in a bunch of petition. Petitioners' names are reflected in C.W.J.C no. 1534 of 2018 and in C.W.J.C no. 2733 of 2018. Both the set of petitioners preferred



L.P.A. before this Court. Insofar as the petitioners’ L.P.A. is concerned it was dismissed for non-compliance.

On the other hand, L.P.A filed against C.W.J.C. No. 2733 of 2018, it was allowed. Thus, the petitioners have presented this petition.

The present petition is not maintainable in view of the fact that there is a finality in C.W.J.C. no. 1534 of 2018. The petitioners have a remedy of filing review petition against the L.P.A decision or such other remedy which is available to petitioners and not filing the fresh writ petition. In other words successive writ petitions are barred as held by the Apex Court in the Case of *Beerbal Singh Vs. State of U.P, AIR 2017 SCC 2712*

In the light of these facts and circumstances of the case, the petitioners have not made out a case.

Accordingly, the petition stands dismissed.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

