

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19298 of 2018

Radha Kant Choudhary Son of Baikunth Choudhary Resident of Village-
Sahasram, P.S. Biroul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors.
2. The Director, Higher Education Department, Govt. of Bihar, Patna.
3. The Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
4. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Registrar, , Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, Janta Koshi College, Biroul, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Radha Kant Chaudhary, Adv.
For the State	:	Mr. Madanjeet Kumar -GP 20
For the LNMU University	:	Ms. Alka Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 17-10-2022

1. The petitioner by way of this writ petition prays as

under:

“That this writ application is being filed for issuance of an appropriate writ/writs and order/orders, in the nature of mandamus for directing and commanding the Respondents to pay the arrears of salary from the date of entry in service i.e. 30.9.1983 to regularization in service i.e. on 24. 02.2005 and promotional benefits from 01.01.2006 on the post of Upper Divisional Clerk till retirement and revised pay scale in compliance of the order dated 10.5.2006 passed in C.W.J.C. No. 3274/2001 and other



analogous cases read with order passed in CWJC No. 9619/2017 dated 15.2.2018 with statutory interest on delayed payment and further for any other relief or reliefs for which the petitioner is entitled to in the facts and circumstances of the instant case.”

2. Admittedly the petitioner after having attained super-annuation in 2014 and having already filed earlier a writ petition no. 9619/2017, where orders were passed to release his retiral benefits, has preferred this writ petition afresh for claiming dues which he did not claim in his earlier writ petition. A subsequent writ petition where claims are made, not raised in earlier petitions, cannot be accepted.

2. The petitioner was regularized by a judgement passed by this court in C.W.J.C. No. 3274/2001 and connected petitions decided on 10.05.2006. The single judge has in the said order observed as under:

“ In the result, all the petitioners shall be entitled to the period of service before regularization right from the date of entry of service even on daily wage basis which shall have to be reckoned and shall have to be added with the period of service after regularization so as to consider the pensionary benefits including the family pension to the employees. The respondent University authorities shall accordingly consider and shall pay the pensionary benefits/family pensionary benefits to the respective employees in this group of petitions except four persons who have



been mentioned herein above as and when it becomes due and payable.”

3. Keeping in view above, the only benefit which the petitioner could claim was the period of service for the purpose of granting him pension. Admittedly, the petitioner had been granted pension and retiral benefits. Counting his entire service he cannot turn around now and claim arrears of salary for the period from 1983 till 2005 or benefit of promotion on the basis of his service rendered from 1983 to 2005.

4. The writ petition is found to be wholly frivolous and is dismissed of accordingly.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 31

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