

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18111 of 2012

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Nagendra Sharma Son Of Late Jayshri Singh Resident Of Village P.O.-
Akbarpur, P.S.- Paliganj, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar, Government Of Bihar, Patna
2. The Director General Of Police, Bihar, Patna
3. The Inspector General Of Police, Rail, Bihar, Patna
4. The Deputy Inspector General Of Police, Rail, Bihar, Patna
5. The Superintendent Of Rail Police, Katihar
6. The Superintendent Of Police, Nawadah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sarvan Kumar, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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

Date : 27-09-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following relief(s):-

**“1. That this is an
application for issuance of appropriate
writ/order/orders, direction/directions:-**

**i) For issuance of writ in the
nature of writ of mandamus or any
other writ, order or direction to quash
the dismissal dated 4.12.98 (Annexure-1)
passed by Respondent No. 3.**

Alternatively,

**ii) For issuance of direction
or order directing the Respondents to
give the all retiral benefits to the
petitioner.**

**iii) Any other relief/reliefs to
which the petitioner is found entitled in**



the facts and circumstances of the case.”

3. Petitioner was dismissed from service on 04.12.1993 and it was a subject matter of C.W.J.C. No. 10939 of 1999. It was decided on 15.02.2005 against the petitioner. In other words, dismissal order has been confirmed by the learned single Judge. Petitioner has not availed the remedy of review petition or LPA. On the other hand, he was waited for disposal of criminal proceedings. On 04.12.2009, petitioner is stated to have acquitted in the criminal case.

4. In the light of these facts and circumstances, once again petitioner presented petition in questioning the validity of dismissal order dated 04.12.1993. Once petitioner has suffered an order in C.W.J.C. No. 10939 of 1999, once again he cannot question the validity of dismissal order under article 226 of the constitution. He had remedy of filing review or L.P.A. against the order of learned single Judge dated 15.02.2005 passed in C.W.J.C No 10939 of 1999.

5. Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/Shoaib

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CAV DATE	
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