

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1668 of 2019

In
Civil Writ Jurisdiction Case No.19188 of 2019

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Hari Yadav Son of Gokhul Yadav Resident of Village-Tapsi, Police Station-
Muffasil in the District of Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Deputy Inspector General, Magadh Range, Gaya.
5. The Senior Superintendent of Police, Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG 3
Mr. Suman Kumar Jha, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 14-07-2022

Heard learned counsels for the parties.

2. In the instant appeal, appellant has assailed the order of the learned Single Judge dated 04.11.2019 passed in C.W.J.C. No. 19188 of 2019. The appellant was subjected to parallel proceedings on certain allegations in a department inquiry. It was



concluded in imposition of penalty of dismissal from service on 27.07.1999 and it was confirmed by the appellate authority on 16.08.2000. Feeling aggrieved by the order of dismissal and appellate authority's order, appellant approached this Court in C.W.J.C. No. 15687 of 2005 wherein he has suffered an order before this Court on 19.06.2012. In other words, order of dismissal and appellate authority's order was confirmed. The appellant has not invoked L.P.A in respect of order dated 19.06.2012 passed in C.W.J.C. No. 15687 of 2005. On the other hand, he has presented C.W.J.C. No. 19188 of 2019 on the score that he had been acquitted in a criminal case. Thus, he has presented C.W.J.C. No. 19188 of 2019 questioning the validity of the dismissal order and appellate authority's order.

3. Once the appellant has suffered an order before this Court in the year 2012 as against the order of dismissal and appellate authority's order he had a remedy of filing L.P.A. and he has not invoked the same, on the other hand, waited for disposal of criminal case. On acquittal order he has invoked remedy of writ jurisdiction which is not permissible. Filing of such writ petition amounts to *res judicata*. In the light of these facts and circumstances, no interference is called for in the order dated 04.11.2019 passed in C.W.J.C No. 19188 of 2019.



4. Accordingly, present appeal stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
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