

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24685 of 2013

1. Saro Devi W/O Chaneswar Ravidas Resident of Village- Balwapar, P.O- Ganpura, P.S- Nursarai, District- Nalanda.
2. Bundi Devi W/O Bishundhari Ravidas R/o Village Nusra Balwapar, P.S- Nursarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate cum Chairman Health Committee, Bihar Sharif, Nalanda.
3. The Civil Surgeon cum Chief Medical Officer, Nalanda Bihar Sharif
4. In Charge Medical Officer, Primary Health Centre, Nursarai, Bihar Sharif, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Janam Maharaj, Advocate
For the Respondent/s	:	Mr. Raghwanand, GA-11
		Mr. Prabhat Kumar, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 06-07-2023

The present writ petition has been filed
seeking the following relief.

“1. That this application is for issuance of appropriate writ in the nature of Mandamus Certiorari and directing the respondent Incharge Medical Officer, Primary Health Centre Noorsarai, Nalanda for issuance of training certificate as trained Dai in the name of petitioners no. 1 directed by C.S. cum C.M.O., Bihar Sharif Nalanda in his letter dated 20-22 2009 as contained in Annexure-6 series including letter dated 13-7-2009 by Lokayukt under Annexure-7



and for release of payment as to allotment of fund by respondent out in the name of petitioners for rendering services in locality vide application dated 3-2-2009 as contained in Annexure-5 and for regularising the services of petitioners in providing opportunity and making appointment in Sadar Hospital upon considering their long standing experience for the post of trained Dai besides any other reliefs to which the petitioners may be found entitled to in the facts and circumstances as stated herein below.”

2. The learned counsel for the respondent-State has referred to the earlier round of litigation, initiated at the behest of the petitioners, i.e. by way of filing a writ petition bearing CWJC No. 15712 of 2011, which has been dismissed by a coordinate Bench of this Court by an order dated 26.03.2012.

3. In such view of the matter, it is submitted that the present writ petition is barred by the principles of *res judicata* inasmuch as the



issues raised in the present writ petition were also subject matter of the earlier writ petition, filed by the petitioners and one another person and no relief was granted to them.

4. Having regard to the facts and circumstances of the case, this Court finds that the present writ petition is barred by the principles of *res judicata*, however, with respect to the grievance of the petitioners regarding non-payment of outstanding salary for the period they have actually worked, I deem it appropriate to grant liberty to the petitioners to approach the respondent authorities for payment of the same.

5. Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, I do not find any merit in the present writ petition, hence the same stands dismissed, however, with the aforesaid liberty.

S.Sb/-

(Mohit Kumar Shah, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.07.2023
Transmission Date	N/A

