

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4016 of 2019

1. Nageshwar Baitha Son of Sri Sita Ram Baitha, Resident of Village- Berain, Police Station-Sarai, District-Vaishali
2. Brijadhar Ram Son of Late Jagdeo Ram, Resident of Village-Baghi Baghamarpur, Police Station-Baria, District -West Champaran
3. Ram Sundar Prasad Son of Sri Satya Narayan Prasad Resident of Village-Baghi Baghamarpur, Police Station -Baria, District-West Champaran
4. Md. Mustaque Ahmad, Son of Md. Sagir Ahmad Resident of Village-Raipur Uman, Police Station-Motipur, District-Muzaffarpur
5. Uma Shankar Singh Son of Kamal Prasad Singh Singh Resident of Village-Unsar, Police Station-Bochahan, District-Muzaffarpur
6. Pawan Kumar Jha Son of Sri Devi Kant Jha Resident of Village-Shahi Minapur, Police Station-Aurai, District-Muzaffarpur
7. Ram Chandra Prasad Srivastava Son of Sri Bharat Srivastava Resident of Village-Dumar Banna, Police Station-Bargenia, District-Sitamarhi
8. Arvind Kumar Son of Sri Ragav Prasad Resident of Village-Prasoni Dihlajit, Police Station-Mehsi District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Animal Husbandry, Government of Bihar, Vikash Bhwan, Bailey Road ,Patna
3. The Additional Secretary, Department of Animal Husbandry, Government of Bihar, Vikash Bhwan, Bailey Road, Patna
4. The Ditrector, Animal Husbandry, Government of Bihar, Vikash Bhawan, Bailey Road, Patna
5. The Deputy Director, Animal Husbandry, North Bihar Range, Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate
For the Respondent/s : Mr. Raj Kishore Roy (Gp18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 23-01-2024

Learned counsel for the petitioner and learned



counsel for the State are present.

2. Learned counsel for the petitioners submits that the present application has been filed challenging the order passed by the Regional Director, Animal Husbandry, North Bihar, Muzaffarpur, contained vide letter No.315 dated 15.04.2010.

3. Learned counsel for the petitioners submits that the petitioners were appointed as Class-IV employees by the order of Deputy Director, Animal Husbandry, North Bihar, vide Memo No.55 dated 11.01.1988 their appointments were made on the basis of recommendation of Selection Committee vide Memo No.43 dated 27.02.1989.

4. Learned counsel for the petitioners submits that vide order dated 22.01.1990 shadow has been created on their service, which the petitioners and others have challenged in CWJC No.1184 of 1990, but it was dismissed and then they moved LPA No.76 of 2000 which was also dismissed on 26.06.2000. Counsel submits that several writ petitions were filed by different aggrieved persons in which different orders have been passed and case of petitioners was directed to be considered in the light of CWJC No.17709 of 2009 in which final order was passed on 03.03.2010. Counsel submits that the petitioners filed representation which was considered by the authority and final order has been passed by the authority on 15.04.2010 and the said



order dated 15.04.2010 has been challenged in the present writ petition.

5. Learned counsel for the State raised preliminary objection and submits that the cause of action for filing the present writ petition is 15.04.2010 but the present writ petition has been filed after lapse of nine years. Counsel also submits that the issue involved in the present writ petition has already been settled up to the Hon’ble Supreme Court of India and writ petitions of similarly situated persons have been dismissed vide order dated 10.04.2000 in SLP (C) No.5262/2000 which has been annexed in the counter affidavit. Counsel further submits that on any view of the matter either on the point of limitation or on merit the case of petitioner is not maintainable.

6. In the present facts and circumstances, the issue directly and substantially involved in the present writ petition has already been settled by the Hon’ble Supreme Court as well as writ petition has been filed after nine years, this Court is not inclined to interfere and, hence, this writ petition is dismissed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2024
Transmission Date	NA

