

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13389 of 2023

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Dhananjay Kumar Son of Late Tejvali Singh, R/o village and P.O.- Nadpura,
P.S.- Dhanarua, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Secretariat, Patna.
2. The Secretary, Department of Education, Govt. of Bihar, New Secretariat, Patna.
3. The Director of Primary Education, Department of Education, Govt. of Bihar, New Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Prem Nath, Advocate
For the State	:	Mr. Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024 Heard learned counsels for the parties.

2. This writ application has been filed for issuance of a direction upon the respondent-Authorities to make payment of arrears of salary with other allowances to the petitioner who is Assistant Teacher in the Ram Kishun Singh Middle School, Purandarpur Bela, New Atwarpur, Patna and further for grant of other consequential benefits admissible to the petitioner.

3. At the outset, learned counsel appearing on behalf of the State raises preliminary objection to the maintainability of the instant writ application on the ground that the issue raised by the petitioner in the instant writ application is no more *res integra* as the same has already been decided by this Hon'ble



Court. As a matter of fact, the petitioner had earlier filed a writ application before this Hon'ble Court bearing *C.W.J.C. No. 11774 of 2004* with similar prayer, which was disposed of vide order dated 17.04.2006 with a direction to the petitioner to represent his case before the concerned authority. It is further submitted that pursuant to the order of this Hon'ble Court passed in *C.W.J.C. No. 11774 of 2004*, the petitioner filed a representation before the department who, after consideration of the aforesaid representation, rejected the claim of the petitioner vide Memo No. 1645 dated 25.09.2006. Thereafter, the order of the department contained in Memo No. 1645 dated 25.09.2006 was challenged before this Hon'ble Court vide *C.W.J.C. No. 4203 of 2007* which stood dismissed vide order dated 21.06.2011, which was upheld by a Division Bench of this Hon'ble Court in *L.P.A. No. 565 of 2013* and by the Hon'ble Apex Court in *S.L.P. (C) No. 24347-24348 of 2014*.

4. Learned counsel appearing on behalf of the petitioner is not in a position to dispute the contentions raised on behalf of the State.

5. Having heard the rival submissions, in view of the aforesaid facts and circumstances of the case and from perusal of the materials available on record, this Court finds that the



instant writ application is devoid of any merit.

6. Accordingly, this writ application is dismissed.

(Prabhat Kumar Singh, J)

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