

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8048 of 2025

Rameshwar Prasad S/o Late Jamadar Prasad, Resident of Village- Mahodipur,
Tola Bhat, P.O.- Chaitya Chailabhar, P.S. Manjhaulia, District- West
Champaran, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
3. The Member, Board of Revenue, Govt. of Bihar, Patna.
4. The Secretary, Board of Revenue, Govt. of Bihar, Patna.
5. The Joint Secretary, Board of Revenue, Govt. of Bihar, Patna.
6. The Deputy Secretary, Board of Revenue, Govt. of Bihar, Patna.
7. The Divisional Commissioner, Tirhut Commissionery, Muzaffarpur.
8. The District Magistrate, West Champaran at Bettiah.
9. The Manager, Bettiah Estate, Bettiah.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Vikas Ratan Bharti, Advocate
	:	Mr. Deepak Kumar, Advocate
	:	Mr. Kumar Abhishek, Advocate
For the Respondent	:	Mr. Government Pleader (20)
	:	Mr. Mrigendra Kumar, AC to GP-20
For Respondent No. 9	:	Mr. Naresh Dikshit, Advocate
	:	Ms. Shruti Singh, Advocate
	:	Mr. Utkarsh Pathak, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 12-02-2026 Heard learned counsel for the petitioner, learned
counsel for the Respondent-State and learned counsel for the
Respondent No. 9.

2. The petitioner in the present writ application has
prayed for the grant of following reliefs:-

*i) To issue an appropriate
writ/order/direction in the nature*



of mandamus commanding the respondent authorities to immediately adjust the services of the petitioner and to appoint the petitioner in any other department in the State of Bihar as by The Vesting of Bettiah Raj Properties Act, 2024, Bettiah estate which has been vested in the State of Bihar.

ii) To issue an appropriate writ/order/direction in the nature of certiorari for quashing the order dated 28.04.2011 bearing Gyapank No. 3/ Be. Raj - 03/2010 414 passed by Joint Secretary, Board of 21-02-2011 Revenue, Govt. of Bihar and order dated 21.02.2011 bearing Gyapank No. 604 passed by Manager, Bettiah Raj.

iii) To issue an appropriate writ/order/direction in the nature of mandamus commanding the respondent authorities to stay the operation of the order contained in Memo No. 604, dated 21.02.2011 issued by Respondent no. 9 during the pendency of this case.

iv) To issue any other relief or



reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that for claiming the arrears of salary he had come to this Court *vide* CWJC No. 8150 of 2011 which was disposed of on 01.07.2019 (Annexure-P/20) granting him liberty to approach the Manager, Bettiah Raj for payment of admissible salary dues after verification of his no dues position. In light of this order passed by this Court, the petitioner filed a representation dated 26.12.2023 (Annexure-P/21) claiming arrears of salary. While this representation was pending consideration before the Manager, Bettiah Raj, the applicant again filed a writ application bearing CWJC No. 19511 of 2024 which was disposed of on 07.01.2025 (Annexure-P/22) directing the Manager, Bettiah Raj to decide the representation of the petitioner dated 26.12.2023 within a period of forty-five days in accordance with relevant rules and laws. Learned counsel for the petitioner submits that the representation filed by the petitioner has been decided and the petitioner has been paid his entire arrears of salary by the Manager, Bettiah Raj. Therefore, so far as the issue relating to payment of arrears of salary is concerned, that stands concluded.



4. On a specific query posed to the learned counsel for the petitioner as to whether the petitioner could have claimed the aforesaid relief in the first and second round of litigation before this Court, learned counsel for the petitioner answered in affirmative.

5. Learned counsel appearing for Respondent-State and Respondent No. 9, i.e., Manager Bettiah Raj submit that in view of the fact that while contesting CWJC No. 8150 of 2011 and CWJC No. 19511 of 2024, the petitioner could have claimed the relief which the petitioner is now claiming in the present writ application, therefore, the present writ application is barred by principle of constructive *res judicata*. Learned counsel appearing for Respondent-State further objects to the maintainability of the present case by submitting that the relief has been claimed against respondent no. 9 i.e., the Manager, Bettiah Raj who is a private individual and not a functionary of the State, which cannot be allowed to be done in writ jurisdiction.

6. Considering the submissions made by the parties, this Court is of the view that in view of the tacit admission made by the learned counsel for the petitioner that the relief claimed in the present writ application could have been claimed by the



petitioner in the first and second round of litigation, the present writ application is, therefore, barred by principle of constructive *res judicata*. Also considering the fact that the relief has been claimed against respondent no. 9, the Manager, Bettiah Raj, Bettiah who is a private individual, the present writ application would not be maintainable. In view of the lego factual position as enumerated above, the present writ application is barred by principle of constructive *res judicata* and also not maintainable in law and hence is dismissed.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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