IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.178 of 2025
In
Civil Writ Jurisdiction Case No.14792 of 2023

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Kamla Devi Wife of Late Ram Babu Ram, Resident of Mohalla - Yarpur, Ambedkar Colony, Gardanibag, Patna, P.O. - G.P.O. at Patna, P.S. - Gardanibag, District- Patna (Bihar).

... ... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Patna (Bihar).
2. The Chief Executive Officer, Patna, Municipal Corporation, Patna (Bihar).
3. The Mayer, Patna Municipal Corporation, Patna (Bihar).
4. The City Commissioner, Patna Municipal Corporation, Patna (Bihar).
5. The Chairman, Patna Municipal Corporation Patna (Bihar).

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Ful Man Singh, Advocate
For the State : Mr. Alok Kumar Rahi, A.A.G.-16
For the P.M.C. : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date : 17-09-2026

This Letters Patent Appeal has been filed challenging the order dated 01.04.2024 passed by the learned Single Judge in C.W.J.C. No. 14792 of 2023, whereby the learned Single Judge has dismissed the writ petition filed by the appellant herein by stating in paragraph 5 onwards as under:-

> *" 5. I have heard the learned counsel for the petitioner perused the materials on record from which it is clear that the present writ petition is barred by the principles of res judicata and is a sheer abuse of the process of the Court, inasmuch*

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as the petitioner had earlier approached this Court for same and similar relief, by filing a writ petition bearing CWJC No.16397 of 2017, however, the same was permitted to be withdrawn by an order dated 01.05.2018 and it was categorically observed therein that henceforth, no writ petition would lie before this Court on the subject matter in issue.

6. Nonetheless, the petitioner has approached this Court again by filing the present writ petition, for the same and similar relief. The practice of filing repeated writ petitions for same and similar relief has been deprecated, even by the Hon'ble Apex Court. Reference in this regard be had to the judgments, reported in ***AIR 1968 SC 111*** *(Hular Rai Baijnath Firm v. K.B. Das and Company),* ***AIR 1999, SC 509*** *(Upadhyay and Company v. State of U.P.),* ***1996 4 SCC 378*** *(Staff Association and others v. State Bank of India and others) and the one reported in* ***1997 2 SCC 534*** *(Avinash Nagra v. Navodaya Vidyalaya Samiti and others). Reference be also had to a judgment reported in* ***(1987) 1 SCC page 5*** *(Sarguja Transport Service v. State Transport Appellate Tribunal).*

7. Thus, it is a well-settled law that filing of successive writ petitions for the same cause of action is not only against the public policy but also amounts to abuse of the process of the Court. It is a well-settled proposition of law that what cannot be done "per directum" is not permissible to be done "per obliquum" meaning thereby that whatever is

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prohibited by the law to be done, cannot legally be effected by indirect and circuitous contrivance on the principle of "quando aliquid prohibetur, prohibetor omne per quod devenitur ad illud".

8. Considering the facts and circumstances of the case and for the reasons mentioned hereinabove in the preceding paragraphs, the present writ petition stands dismissed, being barred by the principles of res judicata. Yet another aspect of the matter is that in case any application is entertained after a long delay, other cases of similar nature may arise, where grant of immediate relief by providing employment to the dependent of the deceased may crop up, hence what is material for consideration is the time when the relief is to be granted to a family in distress and not to reserving a job for one of the dependents. In the present case, the petitioner is even otherwise not entitled to any relief, inasmuch as compassionate employment cannot be granted after a lapse of considerable time i.e. about 24 years in the present case, inasmuch as the object behind compassionate employment is to enable the family to tide over the immediate financial crisis, which it faces at the time of death of sole bread winner, however compassionate employment cannot be claimed after a lapse of so many years. Reference in this connection be had to a judgment rendered by the Hon'ble Apex Court in the case of ***Umesh Kumar Nagpal vs. The State of Haryana & Ors.****, reported in (1994) 4 SCC 138."*

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2. The submission of learned counsel for the appellant is primarily that the learned Single Judge has failed to take notice of the relevant facts which establish the eligibility of the petitioner for compassionate appointment. Inasmuch as the husband of the petitioner had expired in the year 1999 and she submitted a representation before respondent no. 2 on 14.07.2017 which should have been considered in proper perspective for the grant of appointment.

3. We are not in agreement with the submission made by the learned counsel for the appellant in view of the reasoning given by the learned Single Judge while dismissing the writ petition. Suffice it to state that the conclusion drawn by the learned Single Judge in the facts of this case cannot be faulted. The appeal stands dismissed.

(V. Kameswar Rao, CJ)

(Sudhir Singh, J)

Neha/-

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