

Court No. - 22

Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 35 of 2023

Applicant :- State Of U.P. Thru. Addl. Chief Secy. Secondary Education, Lko.
And 4 Others

Opposite Party :- Radhey Shyam Verma

Counsel for Applicant :- C.S.C.

Hon'ble Manish Kumar,J.

1. Present review application has been preferred for review of the judgment and order dated 16.07.2022 passed in Writ A No.4352 of 2022.

2. Learned counsel for the review applicants i.e. respondents in the writ petition have preferred the present application on the ground that the judgment of **Buddhi Ram Vs. State of U.P. and Others passed in Civil Misc. Writ Petition No.54217 (M/S) of 2012** which had been relied upon in the judgment and order dated 16.07.2022 which is under review, is no more a good law as in Special Appeal Defective No.560 of 2016, this hon'ble Court in its judgment and order dated 22.09.2016 has held that the judgment of Buddhi Ram (supra) needs reconsideration.

3. It is the present review applicants who had itself placed reliance on the judgment of Buddhi Ram (supra) by submitting that the issue in question is covered by the decision of this Court in Buddhi Ram (supra). This is how the writ petition was disposed of relying upon the judgment of Buddhi Ram (supra). The review applicants at no point of time during the course of arguments in the writ petition had placed this fact i.e. judgement dated 22.09.2016 passed in Special Appeal before this Court rather they relied upon the judgment of Buddhi Ram (supra). There is no illegality in the order/judgment dated 16.07.2022, hence, no interference is required.

4. The review application is mis-conceived and is an effort to raise a new point which was not argued earlier. It may also be noticed that the applicants have not informed as to whether the judgement in the case of Buddhi Ram (supra) was ever re-considered or not.

5. In view of the discussion made herein above, the review application is **dismissed**.

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[Manish Kumar,J.]

Order Date :- 30.10.2023