

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.75 of 2015

In
Miscellaneous Jurisdiction Case No. 5511 of 2012

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1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna, namely, Sri Amarjeet Sinha.
 2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna, namely, Sri Amarjeet Sinha.
 3. The Director (Mass Education), Govt. of Bihar, Patna, namely, Sri Anil Kumar.
 4. The District Education Officer (the then District Mass Education Officer), Bhagalpur, namely, Sri S.K. Paswan.
- Petitioner/s

Versus

Dayanand Mandal son of Sri Dhaneshwar Mandal, resident of village – Simro, PS-Sabour, District-Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Respondent/s : Mr. Pramod Mishra

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 07-07-2015 Heard learned counsel for the petitioners and learned counsel for the private respondent.

There is a delay of 118 days which has been explained in the limitation petition, it is accepted and delay is condoned.

Petitioners have filed the present review application for review of the order dated 9th September 2014 passed in MJC No. 5511 of 2012. The Court while disposing of the matter, has passed the following order:-

“Hence, this contempt application is disposed
of with a direction to the Chief Secretary to pay a



cost of Rs.25,000/- (Rupees twenty five thousand) to the petitioner within one month from today. It is made clear that this amount of cost shall not be debited from public exchequer. After the cost is paid, the Chief Secretary shall be at liberty to hold an enquiry, identify the persons, who had caused delay in compliance of the orders of this Court, fix up responsibility and realize the amount proportionately from them as per their culpability in delay in the matter.

Show cause of the present Director, Mass Education is accepted. Rule is discharged.”

The counsel for the petitioners submits that they have complied the order of this Court but admittedly there was a delay of compliance of the order and as such, the cost of Rs. 25,000/- be recalled.

On perusal of the order it appears that the Court applied his mind and thereafter directed to pay a cost of Rs.25,000/- and liberty was given to the Chief Secretary to make necessary enquiry and recover the amount from the pocket of the person concerned.

In such view of the matter, this review application is

not maintainable and does not fall under the parameters of Order
47 Rule-1 of the CPC. Accordingly, this application is dismissed.

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(Shivaji Pandey, J)