

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No. 292 of 2010

IN

Civil Writ Jurisdiction Case No. 14010 of 2006

=====

Ashok Kumar Shahi, Son of Late Sita Saran Shahi, R/o Village-Prataptand, P.O.-
Prataptand, P.S.-Bhagwanpur, District-Vaishali.

.....Petitioner/Petitioner.

Versus

1. The State of Bihar, through the Agriculture Production commissioner,
Department of Agriculture, Govt. of Bihar, Patna.
2. The Administrator, Bihar State Agriculture Marketing Board (dissolved), Pant
Bhawan, Bailey Road, Patna.
3. The Sub-Divisional Officer-Cum-Special Officer, Agriculture Produce Market
Committee (dissolve), Biharsarif, Nalanda.

.....Respondents/Respondents

=====

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate

For the Respondent/s :

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

Date: 05-08-2015

Heard learned counsel for the petitioner as well as
learned counsel appearing on behalf of the respondents.

2. The petitioner seeks review of an order, dated



30.06.2008, passed in C.W.J.C. No. 14010 of 2006, by a Division Bench of this Court, dismissing the writ application filed by the petitioner under Article 226 of the Constitution of India, seeking quashing of an order, dated 13.10.2006, whereby, his appointment as daily wage employee of the erstwhile Bihar State Agriculture Marketing Board was sought to be terminated.

3. The sole ground for review of the order, which has been raised by the petitioner is that the Division Bench of this Court vide its order, dated 30.06.2008, had rejected the petitioner's writ application on the basis that the Agriculture Produce Market Committee itself ceased to exist due to repeal of the Act by which it was constituted by Bihar Agriculture Produce Market (Repeal) Act, 2006 (hereinafter referred to as the "*Repeal Act*"), whereas Section 6 of the Repeal Act, provides for absorption of the officers and employees of the Bihar Agriculture Marketing Board/Market Committee/Bazar Samiti.

4. Before we deal with the ground taken by the petitioner, we take note of the admitted fact that as per petitioner's own case, he was appointed on daily wage basis in the year 1980 in the erstwhile Bihar State Agriculture Marketing Board. Seeking direction for regularization of his services, he had approached this Court by filing C.W.J.C. No. 7630 of 1990,



which was dismissed by an order, dated 30.06.2008. There is nothing on the record to show that the petitioner questioned the validity of the said order, dated 30.06.2008 passed by this Court, which has thus attained finality. In the background of these facts, in our opinion, the contention made on behalf of the petitioner that by invoking Section 6 of the Repeal Act, the petitioner should have been absorbed, is wholly misplaced. Section 6 of the Repeal Act, provides for absorption of officers and employees of Bihar Agriculture Marketing Board/Market Committee/Bazar Samiti. The petitioner was not a regular employee to claim absorption under Section 6 of the Repeal Act, particularly, in view of the admitted fact that the petitioner had earlier approached this Court by filing C.W.J.C. No. 7630 of 1990 for regularization of his service in the Board, which was dismissed on 30.06.2008.

5. The petitioner has not been able to make out a case of review of the order, dated 30.06.2008, as neither any apparent error of record has been shown to us nor learned counsel, appearing on behalf of the petitioner, has been able to convince us that the petitioner, despite due diligence, had failed to bring to the notice of this Court any fact or statutory provision which resulted into passing of the said order, dated 30.06.2008.

6. We do not find any merit in the review application.

This application is, accordingly, dismissed.

7. There shall be no order as to costs.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

U			
---	--	--	--