

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.149 of 2014

IN

LPA 1173 of 2011

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Suresh Yadav, S/o. Sri Sudama Yadama, R/o. Village + P.O. Kasaura, P.S. Bansdih Road, District- Balia (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Secretariat Building Bihar, Patna.
2. The Commissioner-Cum-Secretary to Government Public Health Engineering, Department, Bihar, Visheshwariya Bhawan Bailey Road, Patna.
3. The Engineer-in-Chief-Cum-Special Secretary PHED, Bihar, Patna Visheshwariya Bhawan, Bailey Road, Patna.
4. The Chief Engineer (Mechanical) PHED, Bihar, Chapra.
5. The Superintending Engineer, PHED Circle, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Advocate.

For the Respondent/s : Mr. Ashok Kumar Keshri, AAG-XI

Mr. Ujjwal Kumar Sinha, AC to AAG-XI

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

Date: 23-09-2015

I.A. No. 6769 of 2015 has been filed by the review petitioner, under Section 5 of the Limitation Act, seeking condonation of delay of 55 days in preferring review of the order, dated 07.02.2014, passed by the learned Division Bench of this Court in L.P.A. No. 1173 of 2011.

Heard Mr. Lalan Kumar Singh, learned Counsel for the review petitioner, and Mr. Ashok Kumar Keshri, learned Additional Advocate General No. XI, for the respondents/opposite parties.

Having considered the reasons assigned in the present

petition seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the petitioner was prevented by sufficient causes from preferring the review petition within time.

In view of the above, the delay of 55 days, in preferring the review petition, is hereby condoned.

I.A. No. 6769 of 2015 stands disposed of.

Civil Review No.149 of 2014

Having regard to the finding recorded in the order, dated 07.02.1014, passed, in LPA No. 1173 of 2011, by a Division Bench of this Court that the appointment of the appellant, i.e., the review petitioner, was *de hors* the recruitment rules and the procedure prescribed therefor, termination of the service of the appellant, i.e., the review petitioner, was bad in law, we are of the view that no case for review of the order, dated 07.02.014, aforementioned, has been made out by the review petitioner. If the conclusions recorded in the order, dated 07.02.2014, are incorrect in law, the remedy lies not in seeking review of the order aforementioned.

In view of the above, this review petition is dismissed.

No order as to costs.

(I. A. Ansari, ACJ)

(Ashwani Kumar Singh, J)

Mkr./-

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