

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.264 of 2014

In
Civil Writ Jurisdiction Case No. 14272 of 2009

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Shashi Shekhar Prasad son of Late Ram Briksha Mahto, resident of
Mohallah Mongal Akhara, P.S.Malsalami, District Patna (BIHAR)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Human Resources Development), Higher Education Department, Government of Bihar, Patna
 2. The Principal Secretary, Human Resources Development Department, (Now Education Department), Government of Bihar, Vikash Bhawan, New Secretariat, Patna
 3. The Director Administration-cum-Joint Secretary, Education Department, Government of Bihar, Patna
 4. The Deputy Secretary, High Education Department-cum-Officer Incharge, Dissolved University Service Commission), Government of Bihar, Patna
- Opposite .Parties/s
- =====

Appearance :

For the Petitioner/s : Mr.T.N.Maitin, Sr. Advocate
Mr. Raj Narayan Mishra, Advocate
For the Opp.Parties/s : Mr. Neeraj Kumar, AC to SC 22

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 15-01-2015 Heard learned senior counsel appearing on behalf of the petitioner and learned AC to SC 22, appearing on behalf of the opposite parties.

The writ petitioner of CWJC No. 14272 of 2009 has filed the present civil review application seeking review of the order dated 10.11.2009 passed in aforesaid CWJC No. 14272 of 2009 by a Bench of this Court (Coram: Navin Sinha,J. as His Lordship then was) whereby the aforesaid writ petition filed on behalf of the petitioner was allowed to the extent indicated there in that order in view of the ratio laid down by the Hon'ble Apex Court in the case of **R.Jeevaratnam Vs.State of Madras [AIR 1966 SC 951]**.



Learned senior counsel appearing on behalf of the petitioner at the very outset has submitted that the petitioner being aggrieved by the aforesaid order dated 10.11.2009 (Annexure-7) had preferred LPA No. 477 of 2012, which was finally disposed of as withdrawn by order dated 22.07.2014 (Annexure-9) passed by a Division Bench of this Court with liberty to file a review petition seeking review of the aforesaid order dated 10.11.2009. It is contended that in view of the aforesaid liberty granted by a Division Bench of this Court by order dated 22.07.2014 (Annexure-9), the present civil review application has been filed.

It is submitted by the learned senior counsel appearing on behalf of the petitioner that in CWJC No. 14272 of 2009, the order dated 31.07.2008 contained in Annexure-12 to the writ petition was under challenge whereby services of the petitioner was dispensed with with retrospective effect from 19.04.2007. It is next contended that though the aforesaid order dated 31.07.2008 was not interfered with by the writ Court but in view of the ratio laid down in the case of **R.Jeevaratnam Vs. State of Madras (supra)**, it was held that the termination/disengagement of the services of the petitioner shall be operative from the date of issuance of the order dated i.e. 31.07.2008, but in the operative portion of the order, it has inadvertently been mentioned as 19.04.2007.

The learned State counsel does not dispute the aforesaid submissions made on behalf of the petitioner.

After having heard the parties and taking into consideration the entire facts, this Court is of the opinion that the order dated 10.11.2009 passed in CWJC No.14272 of 2009 is fit to be reviewed/clarified/modified by directing therein that the order

of termination shall be effective from the date of its issuance on 31.07.2008 and the petitioner shall be entitled to all his benefits up to 31.07.2008. However, the other points raised on behalf of the petitioner with respect to the merits of the order dated 10.11.2009 cannot be gone into in the present civil review application and are accordingly rejected.

The present Civil Review application stands allowed to the extent indicated above, but there shall be no order as to costs.

(Birendra Prasad Verma, J)

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