

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.38 of 2015

In
Civil Writ Jurisdiction Case No. 16287 of 2010

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Awadhesh Kumar Sinha S/o Late Deonath Sahay, Resident of Mohalla-Sadhnepuri, House No. E/2-3 Gardanibagh, Patna retired Laboratory Technician, Public Health Institute, Patna-4 Petitioner

Versus

1. The State of Bihar through the Principal Secretary-cum- Commissioner to Government, Department of Health, Bihar, Patna
 2. The Director in Chief, Health Services, Bihar, Patna
 3. The Director, Public Health Institute, Patna-4
 4. The District Magistrate, Patna
 5. The Accountant General, Bihar, Patna Respondents
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Appearance :

For the Petitioner : Mr. Sunil Kr. II
Mr. Ranjan Kr. Singh
For the Respondents : Mr. Ranjan Kumar
Mr. LPK Rajgrihar, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-03-2015 The petitioner seeks review of the order dated 24.11.2014 passed in CWJC No. 16287 of 2010. The writ application was filed in the year 2010 seeking direction to the respondents to grant benefit of Assured Career Progression to the petitioner which, according to him, became due with effect from 09.08.1999.

The writ application was rejected by the order under review, on the ground that the petitioner having not passed the Hindi Noting and Drafting Examination was not entitled for the benefit of Assured Career Progression. While rejecting the petitioner's case, this court held that the discretion lied upon the State Government/ competent authority to grant exemption to its

employees who attained the age of 50 years and could not pass the Hindi Noting and Drafting Examination, despite attempts having been taken by them, from passing such examination.

Learned counsel seeking review of the order of this court dated 24.11.2014 has drawn my attention to annexure-2 to the review application dated 09.06.2014, which is an order issued by the Director, Public Health Institute, Patna, whereby, he has been granted first and second Assured Career Progression. Such annexure also refers to grant of exemption from passing Hindi Noting and Drafting Examination, in favour of the petitioner.

Learned counsel submits that this fact could not be brought to the notice of this court when the order dated 24.11.2014 was being passed, since the petitioner's counsel had died.

Having heard learned counsel for the petitioner and learned counsel for the respondents and considering the submissions as noted above, the order dated 24.11.2014 passed in CWJC No. 16287 of 2010 is recalled. CWJC No. No. 16287 of 2010 stands dismissed as having become infructuous in the light of the order dated 09.06.2014, brought on record by way of annexure-2 to the review application.

This application is, accordingly, allowed.

(Chakradhari Sharan Singh, J)

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