

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.303 of 2013

IN

Civil Writ Jurisdiction Case No. 10442 of 2002

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Dharmaraj Singh son of Late Mathura Singh, Resident of Mohalla- Gorachchani, Sasaram, Police Station- Sasaram, District-Rohtas at that time Acting Principal, Gram Bharti College, Ramgarh, District- Kaimur, Bhabhua

.... Petitioner

Versus

1. The State of Bihar
 2. The Secretary, Higher Education, Government of Bihar, New Secretariat, Patna
 3. The Director, Higher Education, Government of Bihar, Patna
 4. The Senior Superintendent of Police, Patna
 5. The Veer Kunwar Singh University, Ara, through its Registrar
 6. The Vice Chancellor, Veer Kunwar Singh University, Ara (Bhojpur)
 7. The Bihar College Service Commission, Boring Canal Road, Patna through its Secretary
 8. The Chairman, Bihar College Service Commission, Boring Canal Road, Patna
 9. The Director General, Vigilance, Govt. of Bihar, Patna
-Opposite Parties 1st Set
10. Shashi Kumar Singh son of Late Ramjee Prasad Singh, resident of near Eastern gate of H.D. Jain College, P.O. and P.S. Nawada, Ara, District-Bhojpur (Ara)
 11. Krishna Prasad son of Late Rajeshwar Prasad, resident of Karan Sarai, P.S. Sasaram, District-Rohtas

.... Opposite Parties 2nd Set

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Appearance :

For the Petitioner/s : Mr. Sanjay Singh, Sr. Advocate
For University : Mr. Sanjay Kumar, Advocate
Mr. Sarbdeo Singh, Advocate
For the Respondent/s : Mr. Sangha Mitra Ghosh, A.C. to A.A.G.-8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-09-2015

Petitioner is seeking review of an order dated 08.07.2003 passed in C.W.J.C. No. 10442 of 2002. Submission of the learned counsel for the petitioner is that without appreciating proper facts, which were available in favour of the petitioner, which can certify that he had the basic eligibility to hold the post of a Principal, the Courts have held against him, ignoring those facts. However, the Court



cannot ignore the fact that the order, whose review, the petitioner is seeking, was put under judicial scrutiny before a Division Bench and even the Hon'ble Apex Court and the window of opening given by the two Benches also stood shut in view of the fact that the petitioner himself, did not press the review application because he got the requisite relief in terms of the finding given by Justice Agrawal Commission relating to appointment of teachers and non-teaching employees of the 4th phase taken over Colleges.

The matter did not end at that. In a second round of challenge thrown against the petitioner he lost his status again as would be evident from the order passed in C.W.J.C. No.15968 of 2007 decided on 09.10.2012. This order again stood affirmed by the Hon'ble Apex Court.

These are the basic facts and the outcome of various adjudications. The petitioner cannot be permitted now to press a fresh review application seeking review of the decision of the learned single Judge dated 08.07.2003 more so since this order has merged in the adjudications made by the superior forums including the Apex Court.

The Court is not inclined, therefore, to allow the petitioner to argue his writ application de novo to overcome the judicial barrier placed in his way, on one ground or the other, especially when his relief does not come within the purview of

exercise of jurisdiction of review.

Review application is dismissed.

(Ajay Kumar Tripathi, J)

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