

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.3 of 2014

In

LPA 1291 of 2013

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1. Amar Nath Jha S/O Late Durga Nand Jha Working As Routine Clerk, R.N. College, Pandaul, Under Lalit Narayan Mithila University, Darbhanga.

2. Gangesh Gunjan, Working As Accountant S/O Late Prof. Ramnand Jha C.M. Law College, Darbhanga, Under Lalit Narayan Mithila University, Darbhanga.

.... Petitioner/s

Versus

1. The Vice Chancellor, L.N.Mithila University, Darbhanga

2. The Registrar, L.N. Mithila University, Darbhanga.

3. The State Of Bihar Through The Secretary Higher Education, Govt. Of Bihar, Patna.

4. The Principal, L.N.J. College, Jhanjharpur.

5. The Principal. M.L.S. College, Saisabpahi.

6. The Principal, C.M. Law College, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratan Kumar Kunwar

For the Respondent/s : Mrs. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
CAV ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 0 4.09.2015 Heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the Respondents State of Bihar.

2. This is an application seeking review of an order,

dated 06.12.2013, passed in LPA No. 1291 of 2013.

3. The said appeal under Letters Patent of the High Court arose out of an order, dated 18.09.2013, passed in MJC No. 3037 of 2012, which was preferred by the petitioners seeking initiation of contempt proceeding against the Opposite parties of that case for alleged violation of an interim order, dated 21.10.2011, passed in CWJC No. 18637 of 2011.

4. Learned Single Judge of this Court by the said order, dated 18.09.2013, passed in MJC No. 3037 of 2012, had opined that the interim order, dated 21.10.2011, passed in CWJC No. 18637 of 2011, had not been complied with and, therefore, the appellants were in contempt and were accordingly granted opportunity to purge the same. This Court, in the order, under review, dated 06.12.2014, noted that said CWJC No. 18637 of 2011 was finally disposed of on 19.08.2013, whereby learned Single Judge, keeping in view the controversy involved, which essentially related to determination of correct pay scale, had referred the matter to a Three Man Committee, constituted by an order, dated 30.01.2013, passed in CWJC No. 8852 of 2006. This Court, by the order, under review, has held that



once the final order, dated 19.08.2013, was passed in CWJC No. 18637 of 2011, referring the matter, relating to determination of correct pay scale, to the Three Man Committee, the interim order, dated 21.10.2011, passed in that case merged with the final order, dated 19.08.2013, and it no more survived as an independent order for enforcement in contempt jurisdiction.

5. Relying upon the Supreme Court's decision, in ***Prem Chandra Agarwal Vs. Utta Pradesh, Financial Corporation***, reported in ***(2009) 11 SCC 479***, this Court held, in the order under review, that no contempt proceeding shall lie on the basis of an interim order, which merged with the final order.

6. The grounds taken by the petitioners for review of the order are not germane and valid grounds. The scope of a Court dealing with review of its own order is very limited and such jurisdiction can be exercised on limited grounds of error of law or fact apparent on the face of it or despite due diligence, the party failed to bring to the notice of the Court any material fact, absence of which can be said to have caused serious prejudice to him. None of these grounds is apparently neither available nor raised.

7. We do not find any merit in this application. This application for review is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

I.A. Ansari,ACJ:- I agree.

(I.A. Ansari, ACJ)

ArunKumar/-

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