

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.421 of 2014

In
Civil Writ Jurisdiction Case No. 3146 of 2013

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Gyani Pandey

.... Petitioner/s

Versus

The Bihar State Board of Religious Trust, Patna & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar & Mr. Shashi Shekhar

For the Respondent/s : Mr. Ganpati Trivedi

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 29-07-2015 This is an application seeking review of an order of this Court dated 23.4.2014 passed in CWJC No. 3146 of 2013.

Assailing the said order of this Court dated 23.4.2014, the petitioner had preferred an appeal under Letters Patent of this Court vide LPA No. 868 of 2014 which he withdrew with a liberty to file review application against the said order and thus, the present application has been filed.

Learned counsel appearing on behalf of the petitioner has submitted that there are errors apparent on record and, therefore, the order needs to be reviewed. He has further submitted that certain developments have taken place, in the meanwhile that necessitating review of the said order. He has submitted on the one hand, the respondent Bihar State Board of Religious Trust dispensed with the services of the petitioner as

Driver on the ground that there was no such requirement, they have engaged another Driver, namely, Upendra Kumar. It has accordingly, been submitted that though the Board requires a Driver on permanent basis, the service of the petitioner was illegally terminated on whims and caprices.

He has submitted that the action of the Board being violative of Articles 14 and 16 of the Constitution of India should be interfered with by this Court in exercise of power under Article 226 of the Constitution of India after reviewing its earlier order dated 23.4.2015 passed in CWJC No. 3146 of 2014.

Learned counsel for the petitioner has placed reliance on several decisions of the Supreme Court in support of his plea:-

“(a) AIR 1958 SC 36 (Purushottam Lal Dhingra Vs. Union of India).

(b) AIR 1971 SC 2242 (Workers Employed in Hirakud Dam Vs. State of Orissa & others).

Controverting the petitioner’s stand, it is the case of the Respondents that said Upendra Kumar has not been appointed by the Trust as driver.

Be that as it may, I am not convinced with the submissions made on behalf of the petitioner that any ground for

review of the said order dated 23.4.2014 is made out.

I do not find any error apparent on record, warranting review of the said order dated 23.4.2014.

Learned counsel for the petitioner has submitted that no reliance was placed by the petitioner in case of Raghunath G. Panhale Vs. Chaganlal Sunderji and Co. reported in (1999) 8 SCC 1.

I do not find any merit in this application. This application is accordingly, rejected.

There shall, however, be no order as to costs.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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