

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.79 of 2015

Arising out of

L.P.A. No. 429 of 2013

=====

Sohan Chaudhary @ Sohan Choudhary, Son of Late Bakhora Choudhary,
Residence of village - Smalischak, Police Station & District - Jehanabad.

.... Appellant/Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chairman, Bihar Staff Selection Commission, P.O.- Veterinary College, Patna.
3. The Secretary, Bihar Staff Selection Commission, P.O.- Veterinary College, Patna.
4. The Joint Secretary, Bihar Staff Selection Commission, P.O.- Veterinary College, Patna.
5. The Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.

.... Respondents/Opposite Parties

=====

Appearance :

For the Petitioner : Mr. Bindhyachal Singh, Advocate.
Mr. Satya Prakash, Advocate.
For the State : Mr. Purnendu Singh, G.P. 27
Mrs. Sunita Kumari, A.C. to G.P. 27
For the Commission : Mr. S.S. Sundaram, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-04-2016

I.A. No. 3998 of 2015

The application is for condonation of delay of 7 months 22 days
in filing the present Civil Review Application.

2. For the reasons mentioned in the Interlocutory Application,
we are satisfied that the appellant has shown sufficient cause to seek
condonation of delay of 7 months 22 days in filing the present Civil

Review Application.

3. Consequently, Interlocutory Application No. 3998 of 2015 is allowed and delay of 7 months 22 days in filing the Civil Review Application is condoned.

Civil Review No. 79 of 2015

Heard learned counsel for the appellant and the respondents.

2. The appellant has sought review of the order passed by this Court on 26th of April, 2013 in L.P.A. No. 429 of 2013 which was dismissed *in limine*.

3. The appellant applied for appointment on the post of Motor Vehicle Inspector in pursuance of an advertisement issued in the year 2007. The appellant has attached photo copy of Form-II, which is a document required to be counter-signed by District Transport Officer. Since the document submitted did not have counter signature of the District Transport Officer, the learned Single Bench has dismissed the writ application, which order was not interfered with in the Letters Patent Appeal.

4. The issue as to whether Form-II is mandatory to be submitted in original was examined in C.W.J.C. No. 18744 of 2011. The Court has held that Form-II is required to be submitted in original vide order dated 15.12.2011. Similar order was passed in C.W.J.C. No. 3663 of 2011 which was confirmed in L.P.A. No. 404 of 2012. It is the said order which has

been followed by the learned Single Bench and has not been interfered with in the Letters Patent Appeal.

5. Since the Form-II has been held to be mandatory to be submitted in original, and such finding has been affirmed by the Letters Patent Bench in L.P.A. No. 404 of 2012, we are bound by the aforesaid judgment and find no error apparent on record which warrants review of the order impugned. The Form II is required to be signed by the District Transport Officer. Such document duly signed alone is to be submitted and not the photocopy thereof.

6. The Civil Review Application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anand
N.A.F.R.

U			
---	--	--	--