

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.385 of 2013
Arising out of
Civil Writ Jurisdiction Case No. 5537 of 2003**

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Manoranjana Prasad Singh, Son of Late Nuneshwar Prasad Singh, Resident of
Village- Panjwara, P.S.- Panjwara, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Secondary Education, Bihar, Patna.
3. The Deputy Director, Secondary Education, Bihar, Patna.
4. The District Education Officer, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate.

For the Respondent/s :

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 07-12-2016**

Heard learned counsel for the parties.

2. The order dated 7th of December, 2009 passed by the
Division Bench of this Court in C.W.J.C. No. 5537 of 2003 is subject
matter of review sought by the petitioner.

3. Vide the order under review, the writ application



filed by the petitioner challenging dispensing with the services of the petitioner as Class-IV employee of the Bihar Government remained unsuccessful for the reason that his appointment was made without following the prescribed procedure.

4. The Court has relied upon a judgment of the Supreme Court reported as Secretary, State of Karnataka and others Versus Uma Devi (3) and others, (2006) 4 SCC 1.

5. The petitioner has sought review of the order on the basis of subsequent orders passed by a Division Bench of this Court in L.P.A. No. 1863 of 2010 (Gita Kumai Vs. The State of Bihar) on 3rd of August, 2011 and L.P.A. No. 404 of 2011 (Kumari Sheela Singh & Ors. Vs. The State of Bihar & Ors.) on 19th of July, 2011.

6. We do not find that subsequent orders in other cases can be made basis for review of the order. However, for the purposes of record, we may state that the Full Bench of this Court in a case reported as Ram Sevak Yadav & Anr. Vs. The State of Bihar & Ors., 2013(1) PLJR 964 has considered the aforesaid judgment in Uma Devi's case (supra) and held that any appointment made without advertisement and inviting application from eligible persons is not entitled for benefit of Uma Devi's case. Therefore, the orders referred to by the petitioner would not be relevant for review of the order as the order of the Full Bench is later than the orders referred to by the



petitioner.

7. In view of the said judgment as well, we do not find any error apparent on record which may warrant review of the order impugned.

8. The Review Application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Kishore Kumar Mandal, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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