

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.262 of 2014

Arising out of

LPA No. 12 of 2013

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Manoranjan Prasad Srivastava, son of late Bhagwati Lal, resident of village Dharmpur, Post Office Pasahara, Police Station-Itali, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum- Secretary to Government, Minor Irrigation Department Vikas Bhawan, New Secretariat Building, Bailey Road, Patna-800 001.

2. The Deputy Secretary, Minor Irrigation Department, Vikas Bhawan, New Secretariat Building, Bailey Road, Patna-800 001,

3. The Chief Engineer, Minor Irrigation Department, Bhagalpur.

4. The Superintending Engineer, Minor Irrigation Circle, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Advocate

For the Respondent/s : Mr. Nirbhay K.Singh, GP-26

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 23-11-2016

The present is the application for review of the order dated 16th May, 2014 passed by the Division Bench of this Court in LPA No. 12 of 2013 primarily on the ground that the Court has relied upon the judgment of this Court in the matter of *State of Bihar vs. Kusheshwar Nath Pandey [2013 (1) PLJR 939]*, but the said judgment has since been set aside by the Supreme Court in Civil Appeal No. 6658 of 2013, vide order dated August 5, 2013.

2. We have heard learned counsel for the parties and find no ground for review of the order. Firstly, the said order was not

referred to at the time of hearing of the appeal. Secondly, in the aforesaid order, the Supreme Court has noticed the fact that the appellant had passed the departmental examination in the year 2007, but admittedly in the present case, the petitioner has not qualified departmental accounts examination which will make him eligible for the financial benefits under the Assured Career Progression Rules, 2003.

3. In that view of the matter, the said judgment is not applicable to the facts of the present case which may warrant review of the order.

4. The Review Application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Ashwani Kumar Singh, J)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	-----
Uploading Date	29.11.2016
Transmission Date	N.A.