

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.70 of 2015

IN
Civil Writ Jurisdiction Case No. 1125 of 2013

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Mohammad Akhlaque Alam, son of Late Salimuddin, Resident of village- Deshiya Toli, Police Station- Bahadurganj, District- Kishanganj.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Purnea.
4. The District Education Officer, Kishanganj.
5. The Headmaster, Project Girl High School, Bahadurganj, Kishanganj, District- Kishanganj.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mrigendra Pratap Singh

For the Respondent/s : Mr. GP24- ANSHUMAN SINGH

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-11-2016

The Court heard the review application as if the writ application itself was being argued de novo. Since the Division Bench while dealing with the order of the learned Single Judge in appeal, contained in Annexure-1, has not indicated even remotely as to where the learned Single Judge had gone wrong, which required to be reviewed. This Court is at askance after going through the entirety of the order of the learned Single Judge dated 11.03.2014 as to where error has been committed on the face of the record, by the learned Single Judge. Nor has the counsel for petitioner ventures to do so.

Learned senior counsel for the petitioner submits that in similar and identical facts, yet another view was taken by yet another

learned Single Judge in the order dated 17.06.2014, a copy of the said order is Annexure-4.

The order contained in Annexure-4 has been passed on a later date than the order under review, which is dated 11.03.2014. If another view has been taken by another Single Judge that cannot form the basis for declaring the previous order to be bad specially when the findings emerging from the bundle of facts of the case of the petitioner the conclusion does not seem to be wrong.

If Annexure-4 was also pointed out to the Division Bench then it would have been in the interest of things that the Division Bench would have explained as to which of the two views were correct.

It is a difficult proposition for this Court to sit in appeal over either of the two decisions of the learned Single Judge and declare as to which is correct or incorrect.

Since it does not come within the ambit of the power of judicial review, review application is dismissed.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.11.2016
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