

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.63 of 2014

IN

Civil Writ Jurisdiction Case No. 7472 of 2009

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Ravi Shankar Kumar Akela Son of Shri Kameshwar Prasad, Resident of Village-Karpi, P.S.- Khizersarai, District- Gaya

.... Petitioner

Versus

1. The State Of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Home Commissioner, Government of Bihar, Patna
4. The Commissioner-Cum-Secretary, Finance, Government of Bihar, Patna
5. The Commissioner-Cum-Secretary, Personnel and Administrative Reforms Department, Bihar, Patna
6. The Deputy Secretary to the Government, Government of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Advocate

For the Opp. Parties : Mr. Siddhartha Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Date: 06-04-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks review of the order dated
24.01.2014 passed in CWJC No. 7472 of 2009.

The writ application had been filed for quashing the
Resolution dated 05.06.2009 by which J.P. Senani Samman Yojna
had been implemented with effect from 01.06.2009 under which



persons who had undergone imprisonment under the leadership of Late Lok Nayak Jay Praksh Narayan between the period from 18.03.1974 to 21.03.1977 have to be given monthly pension according to the period of custody. Upon dismissal of the writ petition by order dated 24.01.2014 holding that the Public Interest Litigation in question was frivolous, the petitioner has filed the present Civil Review application.

Learned counsel for the petitioner submits that the question on which the writ petition was based has not been answered in the order of the writ petition. It is further submitted by learned counsel that reliance placed upon the order dated 14.08.2012 in CWJC No. 1004 of 2012 (Alakhdeo Sao @ Alakh Niranjana vs. State of Bihar) was not relevant as in the said writ petition no such relief for quashing the Notification dated 05.06.2009 had been prayed for, rather directions had been sought to consider the claim for grant of pension under the Scheme.

Lastly, learned counsel for the petitioner contends that the dismissal of the writ petition on the ground that the petitioner was not born at the time in question and the pleadings of the writ application reflects the subjective opinion of the petitioner in a post analysis possibly on the basis of his political leanings, are not

germane to the decision of the case.

Learned counsel for the State on the other hand submits that not a single error of law or fact borne out from the record has been pointed out by the petitioner.

It is further submitted that reference to the other writ petition aforesaid was only for collateral support and as a matter of fact the writ application has been dismissed as it was found by the Court that the judicial review of the policy decisions of the Government, which the Scheme in question was, will have to be circumscribed by tests for the same and it was clearly held that the judicial review would be on principles of arbitrariness, gross illegality, irrationality and lack of classification which was not found to be present so far the claim in question were concerned. It is submitted that the Court considered that the classification which was made in the matter was neither absurd nor irrational and thus it did not find any reason to interfere with the Scheme in question and quash the same.

On a consideration of the submission of learned counsel for the parties, we do not find any force in the submissions on behalf of the petitioner. It is evident that the writ petition has been dismissed after examining the Scheme under challenge on the test of principles of arbitrariness, gross illegality,

irrationality and lack of classification and the Court came to a specific conclusion that the Scheme is neither absurd nor irrational and is based upon on an object to be achieved by the said Scheme. The other things that are referred to in the said decision are merely collateral. In sum and substance the case sought to be made out by the petitioner was clearly answered in the writ petition.

We are also in agreement with the submission of learned counsel for the State that not a single error apparent of law or fact has been pointed out by the petitioner for the order to be interfered with.

The Civil Review application is accordingly dismissed.

(Ramesh Kumar Datta, J)

(Vikash Jain, J)

Chandran/Md.Ibrarul

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