

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1598 of 2014

Arising out of

Civil Review No. 467 of 2013

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1. Rajesh Kumar Jaiswal, son of Jai Narayan Jaiswal, Resident of Village & P.O. Barmasia Jagarnathpuri, P.S.-Katihar, District - Katihar.
 2. Sanjay Kumar, son of Sudhir Prasad Sah, Resident of Village - Telyari, P.S.- Bhawanipur Rajdham, District-Purnea
 3. Birendra Kumar, son of Late Sidhnath Prasad, R/o-Birpur, P.S.-Birpur, Distt- Supaul

.... Appellant/s

Versus

1. The State of Bihar
2. Chairman, Bihar Public Service Commission, Bailey Road, Patna.
3. Secretary, Bihar Public Service Commission, Bailey Road, Patna.
4. Deputy Secretary, Bihar Public Service Commission, Bailey Road, Patna.
5. Controller of Examination, Bihar Public Service Commission, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhakar Singh, Advocate.

For the B.P.S.C. : Mr. Satyabir Bharti, Advocate.

Mr. Alok Chandra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 15-09-2016

Heard learned counsel for the parties.

2. The present Letters Patent Appeal is directed against an order passed by the learned Single Bench of this Court on 18th of September, 2014 in Civil Review No. 467 of 2013 whereby, the said review application arising out of Civil Review No. 101 of 2009 was dismissed.

3. The appellants are candidates for 48th to 52nd Combined Competitive Examination for which Advertisement No. 4 of 2007 was published on 6th of November, 2007 by the Bihar Public Service Commission. The writ application filed by the appellants i.e. C.W.J.C. No. 17069 of 2008 was disposed of as infructuous on 30th of January, 2009 in the light of the judgment of this Court in C.W.J.C. No. 11858 of 2008 (Mukesh Kumar Singh Vs. The State of Bihar & Ors.) Against an order in Mukesh Kumar Singh's case, the Bihar Public Service Commission filed Letters Patent Appeal No. 178 of 2009. The appeal was allowed on 19th of May, 2009 and the order passed by the learned Single Bench was set aside.

4. The appellants filed Civil Review No. 101 of 2009 against an order passed in their writ application disposed of as infructuous. Such review was dismissed as the order passed by the learned Single Bench was said to have merged with the order passed in Mukesh Kumar Singh's case. The appellants filed L.P.A. No. 1447



of 2009 against the order passed in Civil Review. The said appeal was disposed of with liberty to file an application for review. The order under review would be the order passed in the writ application filed by the appellants. The appellants filed Special Leave Petition (C) No. 5987 of 2010 before the Supreme Court against an order passed in L.P.A. No. 1447 of 2009 which was dismissed on 25th of October, 2010. A Review Application (Review Petition (C) No. 593 of 2011) filed before the Supreme Court was also dismissed on 15th of February, 2011. Even Curative Petition was dismissed on 22nd of September, 2011. The appellants filed writ petition before the Hon'ble Supreme Court which was lodged by the Assistant Registrar (Judl.) on 31st of January, 2013. It is thereafter the appellants have filed another Review Application No. 467 of 2013 before this Court to seek review of the order passed on 14th of October, 2009.

5. We find that the appellants have invoked the Review jurisdiction multiple times. Once the Division Bench has passed an order in the analogous cases, the appellants cannot be permitted to dispute such order by way of Review Petition filed time and again. We find that the present is a case which shows gross abuse of the process of law.

6. Since the appellants have consistently abused the process of law for the last seven years, the Letters Patent Appeal is

dismissed with cost of Rs. 25,000/-. The cost will be deposited with
Bihar State Legal Services Authority within one month.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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