



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.198 of 2015
In
MA 441 of 2003

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Sanju Kumar Singh, Son of Late Laldeo Singh, Resident of Village- Sultanpur, Post Office- Sripur, Police Station- Makhdumpur, District- Jehanabad at present residing at Mohalla- Ram Sagar East, Post Office- Chand Chaura, Police Station-Civil Lines, District- Gaya.

.... Petitioner/s

Versus

1. The Secretary Secondary Education, Bihar , New Secretariat, Patna.
2. The Director-cum-Joint Secretary, Secondary Education Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Sharma

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 20-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is seeking review of order
dated 17.08.2015 passed in Miscellaneous Appeal No.441 of
2003.

3. It is well known principle of law that the power of
review can be exercised in terms of the grounds mentioned in
Order-47 Rule-1 of C.P.C, one of the grounds is, if there is an
error apparent on the face of the record, the power of review can

be exercised to rectify the error which has been pointed out. The forum of review cannot be converted into the forum of appeal as the review Court has a limited jurisdiction which has been dealt with in ***Lili Thomas vs. Union of India, 2000(6) SCC, 224.***

4. Learned counsel for the petitioner has pointed out though he impleaded the State Government as a party, but the Court has wrongly arrived to a finding that the State Government has not been made party. In support of his contention, he submitted that the Secretary, Secondary Education, has been made a party who is an Officer of the State Government, it should be treated the State Government. Mere impleading an Officer of the State Government will not be treated that the State Government has been made a party. In such view of the matter, the contention of the learned counsel for the petitioner is fit to be rejected.

5. Another point has been raised by the learned counsel for the petitioner is that as the trial Court could not complete case within 13 years, it is not expected from the Court below that it would conclude within six months. This argument has been made on the assumption and supposition; cannot be the basis for reviewing the order.

6. This Court does not find any error on the face of the record. Accordingly, the review application is rejected.

(Shivaji Pandey, J)

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