

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1121 of 2014

Arising out of

Civil Review No. 245 of 2013

Arising out of

Civil Writ Jurisdiction Case No.733 of 1999

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Vijay Bhanu Gupta, son of Late Padamraj Sahu, resident of village- Medni Chowki,
P.O.- Amarpur, District- Lakhisarai.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Bihar Public Service Commission, Bailey Road, Patna through its Chairman.
3. The Secretary-cum-Commissioner, Personnel and Administrative Reforms Department, Government of Bihar, Patna.

.... Opposite Parties-Respondent/s

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Appearance :

For the Appellant : Mr. Raj Ballav Singh, Advocate

For the State : Mr. M. N. H. Khan, S.C.-1
Ms. Babita Kumari, A.C. to S.C.-1
Mr. Md. Irshad, Advocate

For the BPSC : Mr. Sanjay Pandey, 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: 28-09-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 26th June, 2014 whereby, an application for review of the order dated 29th January, 2004 in CWJC No.733 of 1999 was dismissed.

2. The appellant filed a writ application in the year 1999 claiming appointment to the post of Assistant Public Prosecutor pursuant to an Advertisement No.2 of 1996. The said writ application

was dismissed on merits on 29th January, 2004. Instead of filing an appeal against the said order, the appellant filed civil review petition and that too after more than 9 years in the year 2013. The same has been rightly dismissed by the learned Single Bench, *inter alia*, for the reason that the application has been filed after gross delay; and that there is no error apparent on the face of the record.

3. We do not find any error in the order passed by the learned Single Bench in a civil review petition. The learned Single Bench has rightly recorded the finding that there is no error apparent on record, more so, when the appellant invoked the jurisdiction of review after nine years. The appointments were made way back in the year 1998 and, therefore, it is too late for the appellant to dispute the selection process and that too by way of review petition.

4. Consequently, we do not find any merit in the Letters Patent Appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F. R
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