

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Review No.202 of 2015**

**IN**

**LPA No. 1482 of 2012**

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Sant Prakash Singh @ Sri Santh Prakash Singh, son of Late Ram Peyare Singh @ Late Ram Peyary Singh, resident of Village - Pandura, Police Station Sandesh, District - Bhojpur.

.... .... Petitioner

Versus

1. The State of Bihar through Human Resources Department through Principal Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
3. The District Magistrate, Arrah.
4. The District Superintendent of Education, Arrah.
5. The Block Development Officer Sandesh, Arrah.
6. The District Teachers Appointment Appellate Tribunal, Arrah.
7. Prem Kumar, son of Late Sudheshwar Singh, resident of Village - Pandura, P.S. Sandesh, District - Arrah.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Ram Subhas Singh, Advocate  
For the State : Mr. Lala S.N. Rais, AC to GP-6

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**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

**Date: 19-05-2016**

This application has been filed by Sant Prakash Singh, who was respondent No. 7 in L.P.A. No. 1482 of 2012. The Letters Patent Appeal after hearing the parties was allowed. In the Letters Patent Appeal, while allowing the appeal, this Court noticed that first the appellant, who was the writ petitioner, his selection as Siksha Mitra was challenged before the Block Development Officer, who upheld the selection. It was then challenged before the Collector,



Ara, who set aside the selection. Then upon remand from this Court, the matter was dealt with by the District Teachers Appointment Appellate Authority, Ara (for short the Appellate Authority), who again held that the petitioner's selection as Siksha Mitra was wrong. These three events clearly show that the appellant-writ petitioner was selected and his selection was subject of challenge in different forums by respondent No. 7, the petitioner in this review application.

We have heard learned counsel for the parties and with their consent are disposing of this review application at this stage itself.

What is stated in the review application, now, is that in fact the writ petitioner-appellant's selection itself had been cancelled at the very beginning by the Selection Committee. We fail to appreciate, if this had been the case then where was the occasion at all to go to the Collector, to go to the Authority or to the Block Development Officer against the selection process. Apart from this, the orders were passed in presence of the parties after hearing them and this question of fact was never raised in course of argument or while the order is being dictated though all the counsels were present. In view of the aforesaid, all that is, is that the losing private respondent wants the fight to carry on even though he must realize that even if he succeeds in unsettling the writ petitioner- appellant, the

post having been abolished over a decade back, he can never be reinstated.

We do not find any ground made out for exercising jurisdiction of review in these proceedings. The application is dismissed.

**(Navaniti Prasad Singh, J.)**

**(Nilu Agrawal, J.)**

Rajesh/-

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| Uploading Date    | 21.05.2016 |
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