

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.157 of 2017
IN
Letters Patent Appeal No. 494 of 2016**

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Kameshwar Singh, son of Late Shiv Gulam Singh, resident of Village- Krishnapur,
P.O. and P.S.- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Department of Health Services, Govt. of Bihar, Patna.
3. The Civil Surgeon cum Chief Medical Officer, Nalanda.
4. The Deputy Superintendent, Sub-Divisional Hospital, Hilsa, Nalanda.
5. The State of Bihar.
6. Dr. Uma Shankar Prasad, Deputy Superintendent of Sub-Divisional Hospital,
Hilsa, Nalanda. Now retired C/o Civil Surgeon cum C.M.O., Nalanda.
7. Dr. Balram Prasad, M.O. Sub-Divisional Officer, Hilsa, Nalanda. Now retired,
C/o Civil Surgeon cum C.M.O. Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R. K. Rajan

For the Respondent/s : Mr. S.D.YADAV (AAG 9)

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 08-11-2017

This application has been filed for review or recall of the
order passed on 29.03.2017 in LPA No. 494 of 2016.

Taking note of the nature of the dispute involved in the
matter, this Court in exercise of its limited jurisdiction under Article



226 of the Constitution refused to interfere into the matter and granted liberty to the petitioner to invoke the jurisdiction of the Human Rights Commission where on the basis of a detailed enquiry to be conducted the claim of the petitioner can be assessed and a recommendation was made.

Inter alia, contending that certain admission factual in nature made by the State Government in the counter affidavit have not been taken note of and, therefore, there being error apparent on the face of the record, this review application has been filed.

However, merely because on the statements made in the counter affidavit by the State Government the issue cannot be reopened when from the material available on record in the counter affidavit filed by the Superintendent of the Hospital, this Court found that there is disputed question of facts. Respondent no. 6 in the original writ petition who was Deputy Superintendent of Hospital had filed a detailed affidavit indicating therein that there are various disputed aspects of the matter and same were to be enquired into. Finding the totality of the circumstances that this Court came to the conclusion that there is disputed fact and the petitioner may take recourse to remedy before Human Rights Commission.

In doing so, in our considered view there is no such error apparent on the face of record committed by the Court claiming



review or recall of the order in question.

This application is dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

mrl./-

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