

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.230 of 2016

Dr. Shyamal Kishore Singh

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Amarendra Narayan, Advocate
For the State	:	Mr. S. D. Yadav, AAG 9
For the MCI	:	Mr. Kumar Brijnandan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-10-2017

Delay of 27 days in filing of this review application is condoned.

I.A.No.2393 of 2017 stands allowed.

Seeking review/recall of the order dated 02.03.2016 passed by a Division Bench of this Court in L.P.A. No.1740 of 2012, this application has been filed.

In the matter of grant of promotion to the petitioner from the post of Assistant Professor to the Professor, Department of Pathology in the Medical Education Department, claim made by the petitioner was rejected primarily on account of the fact that the petitioner did not give any option under the relevant rule for continuing in the Medical Education Cadre. *Prima facie* on going



through the material available on record, particularly the document annexed with I.A. No.1947 of 2016 in LPA No.1740 of 2012, it is clear that certain documents pertaining to the option given by the petitioner and which were relevant for deciding the issue in question have not been properly considered or not brought to the notice of the Court in the manner, they are required to and, therefore, an error has occurred in disposal of the appeal which warrants consideration.

This being an error based on the material available on record, we allow this application, recall the order passed on 02.03.2016 in LPA No.1740 of 2012 and direct for listing of the said LPA for orders before an appropriate Bench.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.10.2017
Transmission Date	

