

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.204 of 2016

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DR. AJIT KUMAR HANSDA SON OF LATE SRI SUBODHAN HANSDA
RESIDENT OF VILLAGE KORAPARA (MIHIJIM) POST OFFICE AND POLICE
STATION MIHIJAM, DISTRICT DUMKA

.... Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY,
GOVERNMENT OF BIHAR
2. THE PRINCIPAL SECRETARY, HRD, GOVERNMENT OF BIHAR
3. THE DIRECTOR, ANUGRAH NARAYAN SINHA INSTITUTE OF SOCIAL
STUDIES, PATNA
4. THE REGISTRAR, ANUGRAH NARAYAN SINHA INSTITUTE OF SOCIAL
STUDIES, PATNA
5. DR MINAKETAN BEHERA, SON OF PRAFULLA CHANDRA BEHERA
RESIDENT OF VILLAGE RAITUNDI, POST OFFICE KENDRAPARA, POLICE
STATION KENDRAPARA, ORISSA

Opposite parties/respondents

6. MUKESH KUMAR RAI, SON OF LATE RAMAWTAR MAHTO, RESIDENT OF
VILLAGE ANUGARI, POST OFFICE ANUGARI, POLICE STATION AUNGARI,
DISTRICT NALANDA
7. ANUJA DAUGHATER OF PUNYANAND BHAGATR RESIDENT OF VILLAGE
KRISHNAGHAT PATNA
7. AWADHESH KUMAR, SON OF LATE SAKALDEED PASWAN RESIDENT OF
VILLAGE POST OFFICE DOMA POLICE STATION BAKHTIYARPUR,
DISTRICT PATNA

.... Respondents

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Appearance :

For the Petitioner : Mr. Dipak Kumar, Advocate

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 28-06-2017 For the reasons mentioned in the I.A.No.3450 of

2016, the same is allowed and the delay in filing the review

application is condoned.

Respondent no.5 of C.W.J.C.No. 9353 of 2011 has

filed instant review application seeking review of order dated

4.9.2015, passed in the writ petition.

It is submitted that the review petitioner has not filed

a counter affidavit in the writ petition and as such some relevant



facts necessary for determination of the issue is not on record.

By way of illustration, learned counsel refers to paragraph 10 of the order, dated 4.9.2015, which reads as follows:-

“The case of the petitioner is that the roster point is not followed either post wise or subject wise. The petitioner’s case is that respondent No.5 has wrongly been given the benefit of reservation as a ST category while selecting him for the post of Lecturer of Political Science in preference to his candidature. He submits that respondent no.5 belonged to the State of Jharkhand and as such would not be entitled to benefit of reservation in view of policy of the government contained in letter dated 11.6.1996 and 18.4.2000, contained in Annexures-11 and 12 respectively. The A.N. Sinha Institute of Social Studies Act, 1964 and clause 16 of the Regulation, 1956 specify that in matters relating to conditions of service, the rules framed by the State Government would alone regulate the service conditions of the Staff of the Institute. The department of Personnel and Administrative Reforms, Government of Bihar, vide its letter dated 11.6.1995 (Annexure-10) took a policy decision that candidates belonging to reserved category of other State would not be considered against the reserved seat and the same would be confined to candidates belonging to reserved category of State of Bihar only. The aforesaid policy decision was again reiterated by the Department of Personnel and Administrative Reforms, Government of Bihar vide its letter dated 18.4.2000 (Annexure-12). The advertisement also stipulated that roster rules of Government of Bihar would be applicable.”

Elaborating his submissions, learned counsel contended that the rule governing the service condition of the employees and the attached staff of A. N. Sinha Institute of Social Studies, Patna is different from those of the Government.



He fairly submits that though notice was issued and served, the review petitioner did not file counter affidavit as the Institute had already appeared and filed counter affidavit defending its order and his interest.

In my view, the said ground cannot be a basis for reviewing an order unless the statutes provides for the same. It goes without saying that the review petitioner has a remedy by way of appeal.

With the aforesaid observation, this application is disposed of.

Shashi.

(Samarendra Pratap Singh, J)

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