

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.482 of 2016

In

Civil Writ Jurisdiction Case No. 7661 of 2012

=====

Mithilesh Yadav S/o Sri Amrit Yadav, R/o Village:- Ghanpi, PS:- Sherghati, District- Gaya

.... Petitioner/s

Versus

1. That State of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna
4. The Director, Primary Education, Govt. of Bihar, Patna
5. The District Magistrate, Gaya
6. The District Superintendent of Education, Gaya
7. The Block Education Officer, Sherghati, Gaya
8. Thy Block Development Officer, Sherghati, Gaya
9. The Panchayat Secretary, Gram Panchayat Raj, Chanpi, Block Shereghati, Gaya
10. The Mukhiya, Gram Panchayat Raj Chanpi, Block Sherghati, Gaya
11. The Member District Teacher Appointment Appellant Authority, Gaya

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Respondent/s : Mr. Ashutosh Ranjan Pandey (AAG-15)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

3 08-03-2017 Heard Mr. Rajeev Kumar Singh in support of the present review application as well as Mr. Pandey for the State.

Challenging the order of the District Teachers' Employment Appellate Tribunal (for short 'the Tribunal'), the writ petition being CWJC No. 7661 of 2012 was filed by the petitioner. On a consideration of the submissions made by the parties, the said writ petition was dismissed wherein it was found



that the writ petitioner failed to demonstrate by convincing documents that on the date of coming into force of the Rule i.e. 01.07.2006 he was continued as the Panchayat Shiksha Mitra (PSM) and was being paid the honorarium (Annexure-9 of the writ petition) on which reliance was placed was not found inspiring confidence of the Court. The Court also noticed that admittedly the petitioner was not paid honorarium for the duty he allegedly discharged as PSM. Aggrieved thereby, a writ appeal being LPA No. 2193 was preferred by him which was considered and disposed of under order dated 04.02.2016 (Annexure-20) the relevant portion whereof is extracted herienbelow:-

“It is submitted that this appeal may be allowed to be withdrawn with liberty to apply for review of the order, dated 22.01.2015, passed in CWJC No. 7661 of 2012, which is under appeal.

With the liberty as has been sought for, this appeal is disposed of as withdrawn.”

It is submitted that the order passed by the District Magistrate in 2003 was, in fact, challenged by him in CWJC No. 4435 of 2009 (Annexure-14) whereby he was permitted to raise the same before the Tribunal which was already constituted.



Referring to attendance register, it is submitted that the same also indicates that the review petitioner was working on the said post. It has thus been submitted that the present review application merits to be allowed.

Counsel for the State has, however, opposed the prayer and submitted that the review petitioner, in fact, wants a re-hearing of the writ petition which would not be permissible in law considering the narrow confines of the review jurisdiction particularly when no substantive relief was granted to him by the writ appeal court.

Having heard the parties and on consideration of the facts and circumstances of the case, in my view, the present review application is fit to be dismissed. The petitioner has not been able to demonstrate any apparent error on the face of the records.

Dismissed.

(Kishore Kumar Mandal, J)

HR/-

U			
---	--	--	--

