

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.403 of 2014

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1. Braj Nandan Singh
 2. Anil Kumar Singh S/o Late Yadunath Singh R/o Village - Madurapur, P.S. - Mahnar, District - Vaishali.
 3. Ghanshyam Prasad Singh S/o Late Shaligram Yadav R/o Golakhpur Mahendru P.S. - Pirbahore, District - Patna.
 4. Sunil Kumar S/o Late Faguni Raut R/o N.I.T. Campus, Patna, P.S. - Pirbahore, District - Patna
 5. Vishwanath Yadav S/o Late Deebali Gope R/o Mohalla - Mata Khudi Lane, Mahendru, P.S. - Sultanganj, District - Patna
 6. Somnath Bhattacharya S/o Sri Sambhu Nath Bhattacharya R/o Mohalla - 101, Mahendru Gali Apartment, P.S. - Sultanganj, District - Patna
 7. Ajay Kumar Patel S/o Sri Ramchandra Patel R/o N.I.T. Campus Mahendru, Police Station - Pirbahore, District - Patna

.... Petitioners

Versus

1. The National Institute of Technology, Ashok Rajpath, Patna through its Director, N.I.T., Patna.
2. The Registrar, National Institute of Technology, Ashok Rajpath, Patna.
3. The Patna University through its Vice Chancellor, Patna University, Patna.
4. The Registrar, Patna University, Patna.
5. The Union of India through its Secretary, Ministry of Human Resources Department of Secondary and Higher Education, Shastri Bhawan, New Delhi.

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Siya Ram Shahi
For N.I.T., Patna	:	Mr. Y. V. Giri, Sr. Advocate Mr. Sanjay Giri, Advocate
For Patna University	:	Mr. Digvijay Singh, Advocate Mr. B. J. Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

AND

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

4 12-04-2017

A rejoinder to the counter affidavit filed on



behalf of respondent no. 1 has been filed. Let the same be kept on record.

I. A. NO. 1465 OF 2015

This interlocutory application, under Section 5 of the Limitation Act, has been filed for condonation of delay of 417 days in filing the review application.

It is contended by Mr. Siya Ram Shahi, learned Counsel for the petitioners, that the order, dated 02.09.2013, passed in LPA No. 1362 of 2011 was challenged before the Supreme Court, vide S.L.P. (c) No. 13064 of 2014, which was dismissed as withdrawn on 27.10.2014, with liberty to the petitioners to approach the High Court by way of review application. He submitted that the petitioners were informed by the Counsel regarding dismissal of the S.L.P. on 30th October, 2014, whereafter efforts were made to obtain the copy of the order of the Supreme Court and after obtaining the copy and due consultation and preparation, the review application was filed on 05.12.2014.

Learned Counsel appearing for the National Institute of Technology, Patna, does not oppose the prayer made in the interlocutory application.

Having considered the submission made by Mr. Shahi, learned Counsel for the petitioners, and on the facts



and in the circumstances of the case, the delay caused in filing the review application is condoned.

I. A. No. 1465 of 2015 is allowed.

CIVIL REVIEW NO. 403 OF 2014

Heard Mr. Siya Ram Shahi, learned Counsel for the petitioners on the merits of the review application, filed against the order, dated 02.09.2013, passed in LPA No. 1362 of 2011.

Mr. Shahi has tried to persuade us that the order passed by the Division Bench is erroneous because merits of the claim of certain petitioners have not been dealt with properly by the Division Bench.

Mr. Giri, learned Counsel appearing for the National Institute of Technology, Patna, (respondent no. 1) and Mr. Jha, learned Counsel for the University, contested the matter. They submitted that there is no error apparent on the face of the record. They submitted that after arguing the case at length before the Supreme Court, the case of the petitioners, in S.L.P., was dismissed as withdrawn. They also submitted that the review jurisdiction of this Court cannot be invoked for the purpose of re-hearing of the entire matter.

In reply, Mr. Shahi submitted that the withdrawal of the S.L.P. would be of no consequence and



even after withdrawal of the S.L.P., a review application would be maintainable before this Court.

We have heard learned Advocates for the parties and perused the record.

In our opinion, learned Counsel for the petitioners has failed to point out any error apparent on the face of the record. It is true that he has tried to take us from one document to another of the brief in order to show that there are certain errors in the order under review, but we failed to find out any error in the order. We must note that an error, which has to be established by a long drawn process of reasoning and on points where there may be two opinions, can hardly be said to be an error apparent on the face of the record.

In that view of the matter, we see no merit in this application. It is accordingly dismissed.

(Ashwani Kumar Singh, J.)

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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