

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No. 458 of 2011

In
Civil Writ Jurisdiction Case No. 10011 of 2011

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Minta Kuwar @ Minta Devi wife of Late Ramjee Singh, resident of village – Harpur, P.S. Charpokhari, District – Bhojpur, at present residing at out house, Dak Bunglow, Arrah.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Director, Panchayati Raj, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The Bhojpur Zila Parishad through its Chairman.
5. The Chairman, Bhojpur Zila Parishad.
6. The Deputy Development Commissioner-cum-Chief Executive Officer, Bhojpur, Zila Parishad, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Parmatma Singh
For the Respondent/s : AC to Addl. Advocate General – 10
Mr. Nikesh Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

16. 25-01-2017 In view of earlier observation, Sri Ramakant Sharma, learned Senior Law Officer for the Vigilance Department is present and he submits that in this case, there is already report on record, which suggests that the writ petitioner Bhupendra Singh in C.W.J.C. No. 10011 of 2011 was not son of Late Ramjee Singh, rather he was nephew.

Heard Sri Parmatma Singh, learned counsel for the petitioner, learned A.C. to Addl. Advocate General – 10 as well as Sri Nikesh Kumar, learned counsel, who has appeared on behalf of Zila Parishad, Bhojpur.



The present review petition was filed by widow of late Ramjee Singh, who was an employee of the Zila Parishad. In the present review petition, the petitioner has prayed for modification/recall of order dated 30-06-2011 passed in C.W.J.C. No. 10011 of 2011 (*Bhupendra Singh –vs.- The State of Bihar & Ors.*). The writ petitioner had filed the writ petition on 26-07-2011 claiming to be son of late Ramjee Singh and as such, he had made a prayer for directing the respondent/Zila Parishad to pay entire death-cum-retiral dues of late Ramjee Singh. The said writ petition was disposed of on 30-06-2011 granting liberty to the petitioner to file representation before the Deputy Development Commissioner-cum-Chief Executive Officer, Bhojpur Zila Parishad, Ara. Thereafter, the Deputy Development Commissioner-cum-Chief Executive Officer, Bhojpur was directed to examine and pass appropriate order. After the order passed by the writ court, this fact was noticed by the review petitioner (Minta Kuwar @ Minta Devi), who is widow of the deceased employee and as such, the present review petition was filed for review/recall of the order.

In this case, by order dated 28-03-2012, notice was directed to be issued to the writ petitioner, however; despite valid service of notice, he preferred not to appear and as such, the matter has been taken up *ex-parte* against the writ petitioner.



In this case, a supplementary affidavit has been filed on behalf of review petitioner and alongwith supplementary affidavit, the review petitioner has brought on record an order contained in letter no. 107 dated 18-04-2012 issued by the Deputy Collector Land Reforms, Piro (Bhojpur) addressed to the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Bhojpur (Ara). The said letter indicates that on enquiry, it was found that the writ petitioner namely Bhupendra Singh was not son of the deceased employee, but he was son of one Ashok Singh, brother of the deceased employee.

Sri Nikesh Kumar, learned counsel appearing on behalf of Zila Parishad also supports the contention of the review petitioner.

Considering the fact that by committing fraud, rather by way of making false statement on oath in a court proceeding the writ petitioner had obtained order, obviously the said order is required to be recalled.

Accordingly, order dated 30-06-2011 passed in C.W.J.C. No. 10011 of 2011 is hereby recalled.

Since, it is apparent case of commission of fraud in a court proceeding, the Court feels necessary to direct the Registrar General of the Patna High Court to file a complaint case against



the writ petitioner (Bhupender Singh) for committing offences in a court proceeding.

The review petition stands allowed.

(Rakesh Kumar, J.)

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