

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.356 of 2014
Arising out of
LPA No. 1234 of 2011**

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Kaushal Kumar Das Son of Shri Mohan Lal Das Resident of Village- Haripur Dak,
P.S.- Farbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health and Family Welfare Department Govt. of Bihar, New Secretariat, Patna.
2. Director in Chief, Health Services, Govt. of Bihar, Patna.
3. Civil Surgeon-cum-Chief Medical Officer, Purnea.
4. District Leprosy Control Officer, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Verma, Advocate
Mr. Mrigank Mauli, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-07-2017

Inter alia contending that there is an error in deciding the case of the petitioner and, therefore, the same being an error apparent on the face of the record, this review application has been filed.

On 24.09.2014 a Division Bench of this Court heard L.P.A. No. 1234 of 2011, allowed the same and set aside certain orders passed by the Writ Court in C.W.J.C. No. 6653 of 2009 and while doing so, placed reliance on an order earlier passed in L.P.A. No. 200 of 2010 (The State of Bihar Vs. Madhu Kumari) decided on 24th of September, 2014. The matter pertains to illegalities committed



in induction of Non Medical Assistant by the Civil Surgeon-cum-Chief Medical Officer, Purnea on 15th of March, 1980 and it has been found by the learned Court that after prolonged litigation and several orders passed from time to time and a report submitted by a Committee constituted by the State Government, no indulgence is required into the matter.

Pointing out errors in the order, the review application has been filed and on considering the grounds raised, we are of the considered view that it is not a case where there is an error apparent on the face of the record, on the contrary, it is a case where the petitioner wants reconsideration of the matter, which is not permissible. Recently, the Hon'ble Supreme Court has laid down the principle of review and the jurisdiction to be exercised by this Court in such matters in the case of **Sasi (Dead) through Legal Representatives Vs. Aravindakshan Nair and others-(2017) 4 SCC 692** and if we analyse the grievance made in this application, in the backdrop of the principle laid down in the case of **Sasi** (supra) from Paragraphs 6 to 9, we find that this is not a case where the power of review can be exercised. In fact the petitioner wants to challenge in this review application the reasoning given by the learned Writ Court and the Appellate Court and wants to point out that the appointment of the petitioner was correctly made and the judgment of the Inquiry



Report of the One Member Inquiry Committee is not applicable in his case.

We find that all these issues have been addressed in various litigations and it is not a fit case where the power of review can be exercised. Accordingly, finding no merit, the review application stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.07.2017
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