

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.272 of 2017

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Sanjay Kumar Pandit, Son of (Shri) Pancha Nand Pandit, Resident of
Village- Laloo Chak Angari, P.O. Ishak Chak, P.S.- Lodipur, District-
Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Commissioner-cum-Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Old Secretariat, Patna.
3. The Divisional Commissioner, Bhagalpur.
4. The District Magistrate, Banka.
5. The Deputy Development Commissioner, Banka.
6. The In-Charge, Deputy Collector, Legal Section, Banka Collectariat, Banka.
7. The District Animal Husbandry Officer, Banka.
8. The Principal Chief Conservator of Forest, Government of Bihar, Patna.
9. The Regional Conservator of Forest, Forest Department, Government of Bihar, Patna.
10. The Divisional Forest Officer, Banka Division, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Lal, Advocate
Mr. Subodh Kumar Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C. 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-10-2017



This application has been filed for review/recall of an order dated 20th of June, 2017 passed by us in L.P.A. No. 1618 of 2016.

We were constrained to dismiss the writ appeal on the ground that the petitioner passed Class-VII examination in the year 1978 and it is only after 23 years in the year 2003 that he has appeared and passed the Class-VIII examination. This according to us was not proper and finding there to be a fabrication in the Class-VIII certificate produced by the petitioner showing him to have passed the said examination in the year 2003, we dismissed the L.P.A.

However, while going through the original records in the writ petition C.W.J.C. No. 15768 of 2013 and the counter affidavit filed by the State Government therein, we find that even though the petitioner had appeared in the Class-VIII examination in the year 1980 after having appeared in the Class-VII examination in the year 1979, his certificate showing him to have passed the Class-VIII was obtained by him after 23 years in the year 2003 i.e. on 10.05.2003.

That being so, the finding recorded by us that the petitioner appeared in the Class-VII examination in the year 1979 and in the Class-VIII examination after 23 years in the



year 2003 is an improper and incorrect finding contrary to the material available on record and, therefore, this application is liable to be allowed. Order dated 20th of June, 2017 passed by us in L.P.A. No. 1618 of 2016 is recalled. The L.P.A. is restored to its original file. It be placed for consideration before the appropriate Bench.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.10.2017
Transmission Date	

