

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.402 of 2013

IN

Civil Writ Jurisdiction Case No. 11728 of 2009

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1. The Vice Chancellor, L.N.M.U. Kameshwar Nagar, Darbhanga.

2. The Registrar, L.N.M.U., Kameshwar Nagar, Darbhanga.

.... Review Petitioners

Versus

1. Chandra Mohan Jha, Son of Late Jagdish Jha, Resident of Mohalla-New Chakdah, P.S.-Rajnagar, District & Town-Madhubani.

2. The Hon'ble Chancellor, LNMU, Raj Bhawan Patna.

3. The State of Bihar.

4. The Commissioner-cum-Secretary, Humarn Resources Department, Govt. of Bihar, Patna.

5. The Principal, R.K. College, Madhubani.

.... Respondents.

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Appearance :

For the Petitioners : Mr. Ajay Bihari Sinha, Adv.

For the Respondent no. 1: Mr. Dharendra Kumar Jha, Adv.

: Mr. Kumar Samarjeet Singh, JC to SC-21

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-01-2017

Heard parties.

Petitioners seek review of the order dated 09.11.2009, as contained in Annexure-1 by which the direction was given to the Registrar of the University and Vice-chancellor of the University to allow the petitioner's benefit of two increments and petitioner's prayer for payment of arrears of salary w.e.f. 01.01.1996 to February, 2008, which was an admitted due, was also allowed.



The petitioner now wants to review of the aforesaid decision on the strength of Annexure-3 which is a Resolution dated 18.05.2010 issued by the Human Resources Development Department, State of Bihar stating that such persons who were not given any benefit of promotion on the basis of Phd. Degree obtained by him/her would be granted two increments from 27.07.1998.

It is submitted that since the petitioner was granted promotion from the post of Reader to Professor, therefore, he would not be entitled for such increments.

It is contended that the order was passed on 09.11.2009 but the notification granting him benefit was issued by the University on 27.04.2011 w.e.f. 02.11.1998, after such resolution was adopted and circulated by the State of Bihar vide Annexure-3.

In my view, since aforesaid circular is subsequent to the order under review dated 09.11.2009, there is no scope of review of the same. That apart, the petitioner has already attained the age of superannuation, therefore, in terms of Annexure-2, even if the review is allowed no recovery can be made from him, this Court does not find it proper case in which warrants review of the earlier order.



That apart, if the University did not comply the direction immediately and complied it after two years, such action can be held to be contumacious and for such omission it cannot be rewarded.

As a result, this review application stands disposed of with the aforesaid findings and observations.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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