

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No. 377 of 2016
Arising out of
Letters Patent Appeal No. 668 of 2015

1. Kumod Kumar Jha, Son of Shri Mahendra Jha, Resident of Village- Muradpur, P.O. Bishanpur, P.S. - Parbatta, District - Khagaria.
2. Niranjana Thakur, Son of Shri Ram Narayan Thakur, Resident of Village and P.O. Chainpur, P.S. Bangaon, District Saharsa.
3. Binod Kumar Mishra, Son of Shri Shobha Kant Mishra, Resident of Village and P.O. Telhar, P.S. Mahishi, District – Saharsa.
4. Anil Kumar Jha, Son of Shri Sahdeo Jha, Resident of Village and P.O. Parri, P.S. Bangaon, District – Saharsa.
5. Manoj Kumar Thakur, Son of Shri Ram Narayan Thakur, Resident of Village and P.O. Chainpur, P.S. - Bangaon, District – Saharsa.
6. Praveen Kumar Jha, Son of Sri Jainarain Jha, Resident of Village and P.O. Kahra P.S. and District – Saharsa.
7. Uma Shankar Jha, Son of Shri Mukti Nath Jha, Resident of Village and P.O. Kahra, P.S. and District – Saharsa.
8. Shyamal Kishore Jha, Son of Late Chandra Shekhar Jha, Resident of Village and P.O. Kahra, P.S. and District – Saharsa.
9. Ashok Kant Pathak, Son of Shri Uma Kant Pathak, Resident of Village - Guari, P.O. Nanauti, P.S. Basnahi, District – Saharsa.

.... Appellant/s / Petitioner/s

Versus

1. The State of Bihar.
2. The Director, (wrongly printed in writ petition), Agriculture, Bihar, Patna.
3. The Joint Director, Agriculture, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The District Agriculture Officer, Saharsa.
6. The Sub - Divisional Agriculture Officer-cum- Deputy Agriculture, Director General, Saharsa.

.... Respondent/s / Opposite Party/s



Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 03-05-2017

Heard Mr. Anil Kumar Mukund, learned counsel for the petitioners.

2. The present application seeks review of the judgment dated 02.08.2016, by which Letters Patent Appeal No. 668 of 2015 was dismissed.

3. Learned counsel for the petitioners submitted that neither before the learned Single Bench nor the Letters Patent Bench, the petitioners were heard and, thus, the merit of the matter was never placed before the Court resulting in dismissal of both the writ petition as well as the Letters Patent Appeal. Learned counsel submitted that the learned Single Bench while dismissing the writ petition has not appreciated the merit and in fact, the points available to the petitioners were not taken note of as no opportunity of hearing was given to the petitioners.

4. When the Court made a query to learned counsel for the petitioners as to whether at the time of their initial appointment on



daily wages, any norms were followed like open advertisement and constitution of a Selection Committee, learned counsel submitted that first the Review Application be allowed and then he shall satisfy the Court on merits. The Court finds such stand to be misplaced as without being satisfied that there has been miscarriage of justice and sufficient cause shown, the Review Application is not fit to be entertained. Only upon the Court being satisfied that review of the order is required, for meeting the ends of justice, after sufficient cause has been shown, it may allow the application. In the present case, the learned Single Bench had dismissed the writ application *inter alia* on the claim being stale and that the writ petition suffering from delay and laches. The Letters Patent Bench earlier, on 02.08.2016, had also concurred with the view taken by the learned Single Bench and when this Court put certain queries to the learned counsel for the petitioners on merits, the same not having been replied to, in view of the Court, no cause has been shown to warrant interference in the present application. Moreover, from the pleadings in the writ petition, it is clear that there are no averments made with regard to there being any procedure known to law having even been remotely complied with. Further, in view of the Full Bench decision of this Court in the case of **Ram Sevak Yadav vs. State of Bihar** reported as **2013(1) PLJR 964**, there cannot be regularization of



appointment made without following the mandate of Article 14 of the Constitution of India without open competitive selection. In the present case, the petitioners not being appointed in terms thereof, their claim for regularization cannot be entertained.

5. For the reasons aforesaid, we do not find any ground to review the judgment and order dated 02.08.2016 and accordingly, the Civil Review application stands dismissed.

(Ahsanuddin Amanullah, J.)

I agree

(Kishore Kumar Mandal, J.)

P. Kumar

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