

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.512 of 2016

IN

Civil Writ Jurisdiction Case No. 18818 of 2013

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Parmanand Singh, Chairman of Chandi Niyas Parishad Bitarpur son of Late
Fudan Prasad Singh resident of village Birapur, P.S. Sonbarsa, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary (Secondary Education) the Department of Human Resources, Government of Bihar, New Secretariat, Bailey Road, Patna.
3. The Director (Secondary Education) Department of Human Resources, New Secretariat, Bailey Road, Patna.
4. The District Magistrate, Saharsa
5. The District Education Officer, Saharsa.
6. The Deputy Development Commissioner, Saharsa.
7. Manoj Kumar son of Bande Lal Yadav resident of village Gajipaita, P.S. Sonbarsa, District Saharsa.

.... Opp.Parties.

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Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 12-07-2017

Heard Ms. Chatterjee for the petitioner.

Although the case has been listed under the heading for order 'on petition' for removal of the defects but, with the consent of the petitioner, the case is heard on merit.

The review application is filed under Article 226 of the Constitution of India praying for the following relief(s):-

“(i) That this is an application for rehearing of the CWJC No. 18818 of 2013 after impleading the writ petitioner as respondent and to pass a fresh order in that writ petition.

(ii) Any other relief or reliefs may be granted to the petitioner as they are found legally entitled to in the facts and circumstances of the case.”



It has been submitted that the respondent no.7 filed CWJC No. 18818 of 2013 in this Court claiming himself as the Secretary of 'Maa Chandi Maharani Mandir Sewayati Samiti', Gajipaita situated in Saharsa district wherein a prayer was made for changing the name of the Government School run on the portion of plot no. 47. It is further submitted that the present petitioner was not made a party respondent in the said writ petition and an order was passed. The writ application was heard and disposed of on 23.06.2016 by the following order:-

“Without expressing any view on the merit of the claim of the petitioner, the writ application stands disposed of permitting the petitioner to file a representation for such minor change in the name and place of the school in question before the Director, Secondary Education, Govt. of Bihar (respondent no.3) for consideration and disposal in accordance with law at an early date.”

It is not the petitioner's case that any order on the representation of the respondent no.7 has been passed by the authority.

Learned counsel for the petitioner has relied on **AIR 1963 SC 1909 (Shivdeo Singh & Ors. vs. State of Punjab & Ors.)** wherein it has been held that if any order prejudicial to the interest of the applicant-petitioner has been filed in a writ proceeding in which he/she has not been made a party then the applicant can apply for rehearing of the case. On going through the order passed on 23.06.2016 it appears that the Court only disposed of the writ petition



granting permission to the writ petitioner(respondent no.7) to approach the concerned authority who was directed to consider/examine the claim of the petitioner in accordance with law. There is nothing on record to show that any order prejudicial to the interest of the petitioner has been passed by the concerned authority.

In the considered view of the Court, the present application appears to be misconceived. For these reasons the Court does not find any merit in the application which is dismissed.

Let it be recorded that Ms. Chatterjee, counsel for the petitioner, has stated that if any order is passed prejudicial to the interest of the petitioner on the representation filed by the respondent no.7, she would challenge the legality thereof in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.7.2017
Transmission Date	N/A

