

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.486 of 2013

IN

Lettere Patent Appeal No. 1757 of 2011

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1. Sabitri Kumari Daughter Of Sarabjit Sah Resident Of Village - Patesar, P.S. Chand, District - Kaimur, Bhabhua
 2. Manisha Raj Daughter Of Badrinath Resident Of Basaha, P.S. Chand, District - Kaimur, Bhabhua
 3. Shashi Prabha Daughter Of Awadh Bihari Singh Resident Of Bharari Kala, P.S. Chand, District - Kaimur, Bhabhua
 4. Chhotu Paswan Son Of Rajendra Paswan Resident Of Mindaur, P.S. Chand, District - Kaimur, Bhabhua
 5. Nasrin Praveen D/O Ali Hussain Resident Of Karji, P.S. Chand, District - Kaimur, Bhabhua
 6. Sadakat Hussain Son Of Late Mubarak Hussain Resident Of Karzi, P.S. Chainpur, District - Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Kaimur, Bhabhua
3. The Superintendent Of Police, Kaimur, Bhabhua
4. The District Programme Officer, Kaimur, Bhabhua
5. The Block Education Extension Officer, Chand, Kaimur, Bhabhua
6. The Mukhiya, Gram Panchayat Bharari Kala, P.S. Chand, District - Kaimur, Bhabhua
7. The Panchayat Secretary, Gram Panchayat Bharari Kala, P.S. Chand, District - Kaimur, Bhabhua
8. Mintu Ansari Son Of Late Nizam Ansari Resident Of Ward No.22, Bhabhua, P.S. Bhabhua, District - Kaimur, Bhabhua

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. MITHILESH KUMAR UPADHYAY
For the Respondent/s : Mr. SUBHASH PD. SINGH

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CORAM: HONOURABLE THE CHIEF JUSTICE



and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: **HONOURABLE THE CHIEF JUSTICE**)
Date: 13-11-2017

Seeking review of an order passed by this Court on 01.08.2013 in LPA No. 1757 of 2011 this application has been filed.

Even though the petitioner earlier approached the Hon'ble Supreme Court in SLP (Civil) No. 30833/2013 but we find that on 26.09.2013 the same was dismissed as withdrawn with liberty to file a review application. However, by doing so, the Hon'ble Supreme Court itself has passed the following order:-

“Taken on Board.

Heard.

After the matter was argued for some time, learned counsel for the petitioners seeks permission to withdraw this petition with a view to apply for review or seeking clarification of the order under challenge. The special leave petition is dismissed as withdrawn. We make it clear that this order does not mean that we have ourselves found any infirmity in the impugned order passed by the High Court.”

From the aforesaid it is clear that the Supreme Court itself has observed that the order should not be construed to mean that the Supreme Court had found any infirmity in the order. On the contrary, having heard learned counsel for the parties, we find that



the primarily wants this Court to hold that the certificate of the petitioner was not a forged or fabricated certificate, it was genuine certificate and, therefore, the learned Writ court and the Division Bench having failed to appreciate this, this review is called for.

However, we find from the order passed by the Division Bench that they have considered the large scale illegalities including favouritism and nepotism committed by the Selection Committee. The learned Court was of the opinion that such a selection could not be safe and large scale irregularities and illegalities committed, it was held by the learned Division Bench that it is only fair to cancel the entire selection process and directed for fresh selection. The learned Writ Court in doing so referred to the judgment of the Supreme Court in the case of *Union of India vs N R Banerjee & Ors. [(1993) 1 SCC 154]* and held that it was not possible to examine each individual case nor the principles of natural justice was violated. Accordingly, it is a case where after due examination of the entire record the learned Writ Court found that there to be large scale illegalities and irregularities committed in the selection process and directed for cancellation of the entire selection.

That being the position, merely because the petitioner's claim his certificate to be genuine, we see no reason to make any indulgence in the matter in this review proceeding. In fact, there is no



error apparent on the face of the record warranting review or recall.

The application is, therefore, dismissed in view of the law laid down by the Supreme Court in the case of *Sasi(D) through L.R.S. vs. Aravindakshan Nair [(2017) 4 SCC 692.*

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl./-

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