

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.135 of 2017

IN

LPA 543 of 2014

=====

Hemant Kumar Sinha S/o Late Satyadeo Narayan Sinha, Resident of Mohalla-Saristabad Purbi Tola, P.S. Gardanibagh, District- Patna. At present residing at Mahesh Complex Flat No. 401 Saristabad Road, Kachhi Talab, Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary State Language Department (Rajbhasa) Govt. of Bihar, Patna.
2. The Director State Language Department (Rajbhasa) Govt. of Bihar, Patna.
3. The Dy. Secretary, State Language (Rajbhasa) Department, Govt. of Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 28-03-2018

Re : Interlocutory Application No. 2680 of 2017

Heard learned counsel for the petitioner and the learned counsel for the State.

2. The present Interlocutory Application has been filed seeking condonation of delay of 5 months, 23 days in filing the civil review application. Upon hearing learned counsel for the petitioner and going through the averments made in the Interlocutory Application, we find that sufficient cause has been shown for not filing the civil review application within time. In view thereof, the



Interlocutory Application stands allowed. The delay in filing of the Civil Review application stands condoned.

Re : Civil Review No. 135 of 2017

3. The petitioner seeks review of judgment and order dated 08.09.2016 by which Letters Patent Appeal No 543 of 2014 was dismissed.

4. Learned counsel for the petitioner submitted that the Court had gone on an erroneous presumption that a Limited Competitive Examination was required for filling up the post of Assistant Rajbhasha Instructor whereas the fact is that the post being a Mufassil post, for the purposes of promotion, no Limited Competitive Examination was required.

5. At this stage, when the Court made a specific query to the learned counsel as to what were the Rules prevailing on 11.01.1989 when such promotion was granted to the petitioner and further, as to what was the procedure followed in his case while granting promotion, learned counsel for the petitioner is not in a position to answer on both the counts.

6. Having considered the matter, we find no merit in the present review application. The only question which was and is required to be considered by the Court is whether the promotion granted to the petitioner from the post of Peon to the post of Assistant



Rajbhasha Instructor on 11.01.1989 was in accordance with law, as it existed then, and then only the Court can come to a finding as to whether the subsequent reversion is bad in law. When the petitioner is not able to justify or point out the relevant Rules which were applicable on 11.01.1989 when he was promoted and has also not brought any material on record to show as to how such procedure was followed while granting such promotion, the impugned order of reversion specifically taking the ground that such promotion was not in accordance with law, the Court has no occasion to hold that the same suffers from any infirmity, in the absence of any material to the contrary.

7. In view thereof, the civil review application stands dismissed.

(Ahsanuddin Amanullah, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.03.2018
Transmission Date	NA

