

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.87 of 2018

IN

LPA 1069 of 2014

- =====
1. Monazir Siddique Son of Zainul Abedin, R/O – village- Taiyabpur, P.O. Kurhela Bobra, P.S. Kadwa, District – Katihar
 2. Najma Khatoon, Wife of Zainul Abedin, the then Mukhiya, Gram Panchayat Raj Tetaliya, P.S. Kadwa, District - Katihar

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
2. The District-Magistrate Cum Collector, Katihar
3. The District-Education officer, Katihar.
4. The District Superintendent of Education, Kathihar.
5. The Block Development officer, kadwa Block, Katihar
6. The Block Education Extension officer, Kadwa, Katihar.
7. The Member District Teachers Selection Appellate Tribunal, Katihar
8. The Mukhiya, Gram Panchayat Secretary, Gram Panchayat Raj Tetaliya, Kadwa, Katihar.
9. The Panchayat Secretary, Gram Panchayat Raj Tetaliya, Kadwa, Katihar.
10. Ghulam Md. Jeelani Ashraf, Son of late Abdul Jabbar, R/O Village – Bobra Via – Salmari, P.S. Kadwa, District – Katihar.
11. Md. Anwarul Haque, son of late Munsif Mofijuddin, Head Master of School, Resident of village Tayabpur, P.O. Kurhela Bobra, P.S. – Kadwa, District- Katihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Adv.

For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 27-09-2018

Re: I.A. No. 3579 of 2018

This interlocutory application is filed for condonation of delay of 19 days in filing the Civil Review Application.

Having heard Mr. Helal Ahmad, learned Counsel for the



review petitioners and Mr. Shashi Shekhar Tiwary, learned AC to AAG 15 for State, we are satisfied with the explanation to condone the delay of 19 days, which is accordingly condoned.

I.A. No. 3579 of 2018 is allowed.

Re: C. Rev. No. 87 of 2018

With the consent of the parties, we have taken up Civil Review Application for consideration on merits and we have heard Mr. Helal Ahmad, learned Counsel appearing for the review petitioners, who was the appellant in appeal and the private respondent before the learned Single Judge.

According to Mr. Ahmad, the issue raised by the review petitioners in appeal has not been considered by the Division Bench while dismissing the appeal. We find from the records that the learned Single Judge has recorded his satisfaction as to the illegality in the appointment of the review petitioner no. 1 as according to him the appointment of the review petitioner no.1 is tainted with fraud and malice since the review petitioner no.2, the mother of the petitioner no. 1 was the elected 'Mukhiya' of the Panchayat, who influenced the process.

When the issue was raised in appeal, the Bench taking note of the circumstances and the fact that the Vigilance Investigation Bureau had submitted its report upholding the fraud, refused to interfere with



the opinion expressed by the learned Single Judge while directing for institution of a formal FIR. In case the judgment/order passed on the appeal does not suit the review petitioners, they are free to take recourse to such remedy that may be available to them for questioning the judgment but in the circumstances noted a review petition practically seeking re-hearing of the matter by filing a review petition is beyond the scope of review.

The review application is accordingly dismissed.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Archana/ Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2018
Transmission Date	NA

