

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1958 of 2016

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1. The Bihar State Power (Holding) Company Ltd. through its Secretary, Vidyut Bhawan, Beiley Road, Patna.
 2. The Joint Secretary, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
 3. The General Manager-cum-Chief Engineer, Koshi Electric Supply Region, Saharsa.
 4. The Senior Manager, Koshi Electric Supply Region, Saharsa.
 5. The Electrical Superintending Engineer, Electric Supply Circle, Saharsa.
 6. The Electrical Executive Engineer, Electric Supply Division, Khagaria.
 7. North Bihar Power Distribution Company Limited through its Managing Director.

... .. Petitioners

Versus

Gopal Mishra, son of Late Bhata Mishra, resident of village- Suja, P.S.- Muffasil, District- Begusarai.

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Vinay Kirti Singh, Senior Advocate Mr. Vijay Kumar Verma, Advocate Mr. Akhileshwar Singh, Advocate
For the Respondent/s	:	None

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

7 10-12-2018 This application has been filed for modification of the order dated 11.02.2015 passed in C.W.J.C. No.579 of 2015, taking a plea that it is not known to the North Bihar Power Distribution Company that who had appeared before the Medical Board and got himself examined and received the report about the assessment of the age from the Medical Board.



It has been stated that at the event of appearance of respondent-original petitioner no one from the side of the North Bihar Power Distribution Company was present to identify that it is the Gopal Mishra, but without proper address and other details of the person merely the name has been mentioned therein, gave report of age, and in such circumstance, it is very difficult to place reliance on the report of the said Medical Board.

That report of the Medical Board is the basis for passing of the order dated 11.02.2015, by which the age of the petitioner has been determined as 54 years as on 29.05.2013 as the Medical Board assessed the age between 54-56 years, so the lower side of the age has been taken into consideration as per the order of passed by this Court.

Learned counsel for the petitioners submits that it is unknown to the North Bihar Power Distribution Company Limited as to who had appeared and got himself examined by the Medical Board as his father's name is missing and the identification which has been mentioned in the Medical Report does not tally with the identification mentioned in the service book, so the order dated 11.02.2015 requires modification.

Virtually this modification application is in the



shape of review petition and there is no error apparent on the face of the record, does not require to exercise the power of review. If the petitioners, original respondents are so sanguine that Gopal Mishra, original petitioner, had not appeared before the Medical Board, the North Bihar Power Distribution Company should have challenged the order dated 11.02.2015 before the Division Bench, but the Power Distribution Company has preferred to file this modification application, which cannot be entertained on the ground as has been raised by the petitioner.

In such view of the matter, this Court does not find any merit in this modification application, accordingly, the same is dismissed.

(Shivaji Pandey, J)

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