

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.188 of 2018

In

LPA 381 of 2005

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Shri Krishna Pandey, son of late Ram Talika Pandey, resident of village
Agrer Khurd, P.O. Agrer Kalan, P.S. Suryapura, District Rohtas

.... Petitioner

Versus

1. The State of Bihar
 2. The Secretary, Department of Health Medical Education and Family Welfare, Govt. of Bihar, Patna
 3. The Addl. Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar, Patna
 4. The Deputy Secretary, Department of Health, Medical Education, Govt. of Bihar, Pana
 5. The Director, Deshi Chikitsa, Department of Health, Govt. of Bihar, Pana
 6. Sri Deobrat Narayan Singh, Lecturer, Government Ayurvedic College, Patna presently functioning as Officer on Special Duty, Directorate of Desi Chikitsa, Department of Health, Education and Family Welfare, Govt. of Bihar, Pana
 7. The Principal, Government Dhanwantari Ayurvedic College, Ahirauli at Buxar
 8. Binod Kumar Chaubey, son of Sri Bindhyanchal Chaubey
 9. Smt. Indu Kumari, D/o late Kashi Nath Mishra
 10. Smt. Usha Devi, substituted heir and wife of late Balmiki Pandey
 11. Arjun Pandey, son of late Jagar Nath Pandey
 12. Arun Kumar Tiwary, son of late Jori Lal Tiwary
 13. Avinath Kumar Sinha, son of lae Chakradhari Sinha
 14. Ramashray Singh, son of late Shivdhari Singh
 15. Dinanath Singh, son of Sri Ram Dayal Singh
 16. Badri Narayan Singh, son of late Parikha Shah
 17. Sidheshwar Tiwary, son of Sri Ram Nath Tiwary
 18. Brij Nah Chaubey, son of late Parshu Ram Chaubey
 19. Binod Kumar Gupta, son of late Yogendra Prasad Gupta
 20. Ghanchyam Dubey, son of late Ram Niwash Dubey
 21. Dwarika Nath Dubey, son of late Sudama Dubey
 22. Pashupati Paswan, son of late Dhivbalak Paswan
 23. Dilip Kumar, son of Sri Nirmal Prasad
 24. Sri Rang Mishra, son of late Dharma Mishra
 25. Mohan Tiwary, son of late Rajeshwar Tiwary
 26. Shivjee Yadav, son of late Igrashan Yadav
 27. Awadh Bihari Singh, son of late Ram Drash Singh
 28. Hare Ram Sharma, son of late Baijnath Sharma
 29. Shyambihari Pandey, son of Sri Ram Pratap Pandey
 30. Yugal Kishor Pandey, son of late Shiv Das Pandey
 31. Gopal Krishna Chaubey, son of Sri Awadhesh Chaubey
 32. Rajendra Prasad, son of late Anant Prasad
 33. Shyam Narayan Upadhyay, son of late Ramjee Upadhyay
- All are employees of Government Dhanwantari Ayurvedic College, Ahirauli at Buxar



34. Narbeshwar Upadhyay, son of Banarshi Upadhyay
 35. Amrendra Kumar Chaubey, son of Sri Sidheshwar Chaubey
 36. Dharnidhar Chaubey, son of late Shiv Shankar Chaubey
 37. Baban Thakur, son of late Damari Thakur
 38. Smt. Madhuri Devi, wife of Ram Chandra Mishra
 39. Smt. Saroj Ojha, wife of Bhupendra Nath Ojha
 40. Ram Sundar Chaoudhary, son of Sri Bigu Choudhary
 41. Bijay Shankar Pandey, son of late Baleshwar Pandey
 42. Dr. Brij Bihari Pandey, son of late Dev Nath Pandey
 All are employees of Government Dhanwantari Ayurvedic College,
 Ahirauli at Buxar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey
 For the Respondent/s : Mr. S.D. Yadav (Aag 9)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

4 05-11-2018 This review application arises from the judgment and order dated 24.7.2008 passed by a Co-ordinate Bench in L.P.A.No. 381/2005, whereby the appeal was dismissed affirming the judgment and order of the Writ Court.

Mr. Brisketu Sharan Pandey, learned counsel for the petitioner, very fairly admits that the S.L.P. filed by these review petitioners has also been dismissed by the Supreme Court. The reason for filing the present review application, as submitted by Mr. Pandey, is that some of the similarly situated appointees feeling aggrieved by similar dismissal order passed by this Court in separate writ petition as affirmed in appeal, moved the Supreme Court in S.L.P.No. 11057/2018 and in which notices have been



issued and the case has been adjourned. It is this order passed in a case of similarly placed person, which has prompted the petitioner to move this Court in Civil Review Jurisdiction.

We are satisfied to record that in so far as the present petitioner is concerned, his challenge was negated by the Writ Court which order was affirmed in intra-Court appeal and even the Supreme Court refused to entertain their Special Leave Petition. Simply because a Special Leave Petition preferred by some similarly situated persons has been entertained, in our opinion would not vest any right to the petitioner to move this Court in Review Jurisdiction, especially where the dismissal order stands affirmed until the Supreme Court.

For the reasons so discussed, we reject the interlocutory application filed for condonation of delay of eight years. Consequently, the civil review application is also dismissed.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Surendra/-

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