

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.155 of 2018

In

Letters Patent Appeal No.314 of 2018

=====

Umesh Kumar, son of Bindeshwari Prasad Yadav, Principal In-Charge/Profession in-charge of Dev Narayan Yadav College at Madhubani under the Police Station of Town & District - Madhubani (Ex-Office member of Adhoc Governing body of Dev Narayan College).

... .. Appellant/Petitioner

Versus

1. The State of Bihar through its Secretary, Higher Education, Govt. of Bihar at Patna.
2. The Vice-Chancellor, L.N. Mithila University, Kameshwar Nagar at Darbhanga.
3. The Registrar, L.N. Mithila University, Kameshwar Nagar at Darbhanga.
4. Mr. Gaya Prasad Yadav (Writ Petitioners and Secretary, Dissolved Governing Body of the said College.

... .. Respondents/Opposite Parties.

=====

Appearance :

For the Petitioner/s : Mr. Md. Kamran, Advocate

For the University : Mr. Chandra Mohan Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 06-10-2018

1. The present application has been preferred by the applicant herein to review/recall the order passed by the Division Bench of this Court dated 17.04.2018 passed in Letters Patent Appeal No. 314 of 2018.

2. The only ground on which the order passed by the Division Bench passed in Letters Patent No.314 of 2018 is sought to be reviewed/recalled is that the order passed by the learned Single Judge impugned before the Division Bench was barred by the principles of constructive *res judicata* in view of



the earlier order passed by this Court in Civil Writ Jurisdiction Case No.20018 of 2013 on 08.05.2017. However, from the order passed by the learned Single Judge impugned before the Division Bench and even from the order passed by the Division Bench passed in Letters Patent Appeal No. 314 of 2018, which is now sought to be reviewed/recalled, nothing is borne out that anything of the same was made either before the learned Single Judge or before the Division Bench.

3. Under the circumstances, the aforesaid plea of constructive *res judicata* cannot be permitted to be made now and that too in the review application. Hence, on the aforesaid ground alone, the present Review Application stands dismissed.

(Mukesh R. Shah, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

U			
---	--	--	--

