

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.494 of 2017

IN

Civil Writ Jurisdiction Case No. 2540 of 2011

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Pintu Das, Son of Mahendra Nath Das, Resident of Village- Porla, P.S. and Block
Azam Nagar, District Katihar.

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner cum Secretary, Human Resources Development
Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Katihar.
5. The Deputy Development Commissioner, Katihar.
6. The District Superintendent of Education, Katihar.
7. The Block Development Officer, Azam Nagar Katihar.
8. The Block Education Officer, Azam Nagar, Katihar.
9. The Mukhiya of Gram Panchayat Jalki, Block and P.S. Azam nagar, District-
Katihar.
10. The Panchayat Secretary, Gram Panchayat, Block and P.S. Azam Nagar,
Katihar.
11. The Joint Secretary, Department of Human resources, Government of
Bihar, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Dudh Nath Singh, Advocate.

For the Opposite Parties : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE VIKASH JAIN)

Date: 16-05-2018

The instant review petition is directed against the order
dated 21.03.2012 passed in C.W.J.C. No. 2540 of 2011 whereby the writ
petition has been dismissed.

2. Learned counsel for the petitioner submits that he
was engaged as Shiksha Mitra in the year 2003 and his service was



extended twice for 11 months each. Pursuant to amendment in the eligibility criteria requiring passing of Intermediate examination, the petitioner took admission in Intermediate for Session 2003-2005 in Hindi Vidyapith, Deoghar (Jharkhand) but owing to delay on the part of the said institution, examination was held in the year 2007. In the meantime, the Bihar Panchayat Elementary Teacher (Niyozan of Service Condition) Rule, 2006 came into force with effect from 01.07.2006. It is submitted that by letter no. 11 dated 19.08.2008 issued jointly by the Mukhiya and the Panchayat Secretary, the petitioner was once again treated as Shiksha Mitra in view of his Intermediate qualification and treated as a Panchayat Teacher with effect from 01.07.2006. It is submitted that the said letter dated 19.08.2008 was not brought to the notice of this Court at the time of passing of the order.

3. Learned counsel for the State appears and has been heard.

4. Having heard the parties and on consideration of materials on record, we do not find any merit in the review petition. It is not the case of the petitioner that he had passed the Intermediate examination within the stipulated period of 33 months from the date of his engagement. Admittedly, he had joined as Shiksha Mitra on 03.03.2003 whereas he passed the Intermediate examination in the year 2007.



5. We are also of the view that in any event the petitioner’s failure to bring on record the letter no. 11 dated 19.08.2008 now sought to be relied upon, cannot constitute a ground for review and the order passed by this Court cannot be said to be erroneous.

6. We also take note that the petitioner has approached this Court with the instant review petition in the year 2017 and after an inordinate delay of more than five and half years without any satisfactory explanation for such delay.

7. The review petition accordingly stands dismissed.

(Dr. Ravi Ranjan, J)

Md. Ibrarul/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.05.2018
Transmission Date	N.A.

