

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.514 of 2017

In

Letters Patent Appeal No.953 of 2011

Dr. Brahmdeo Sah, son of Late Janki Sah, resident of Mohalla Vijay Nagar,
Road No. 2 (Hanuman Nagar), P.S. Patrakar Nagar, District - Patna - 800026.

... .. Petitioner/Appellant.

Versus

1. The State of Bihar through the Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Education, Human Resources Development Department, Government of Bihar, Patna.
3. The Magadh University through the Registrar, Magadh University, Bodh Gaya.
4. The Vice Chancellor, Magadh University, Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya.
6. The Finance Officer, Magadh University, Bodh Gaya.

... .. Respondents/Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
Mr. Samir Kumar Sinha, Advocate
Mr. Sunil Prasad, Advocate

For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-10-2018

1. The delay of 71 days in filing the review application is hereby condoned.

2. I.A. No. 9498 of 2017 stands disposed of.

3. Review application is taken up for hearing today.

4. The present application has been filed by the original appellant, i.e. original writ petitioner to review and recall the order passed by the Division Bench on 12.09.2017 in Letters Patent Appeal No. 953 of 2011.

5. Having heard learned counsel appearing on behalf of the appellant and the order passed by the Division Bench sought to be reviewed, no case is made out for review of the order. There is no



error apparent on record pointed out. At this stage, it is required to be noted that as such the claim of the original writ petitioner was pertaining to the payment of salary to the original writ petitioner-appellant for the period prior to 1986 when the College was under the management of the private institute. Therefore, the claim would be against the private college, for which even application under Article 226 of the Constitution of India was not required to be entertained.

5.1. It is required to be noted that as such the claim for salary after 1986 is concerned, the same was settled and paid to the original writ petitioner.

6. Considering the aforesaid facts and circumstances and taking note on the basis of documents and material available on record that on the basis of agreement of the appellant himself, the Vice Chancellor thereafter had rejected the claim of the petitioner, the learned Single Judge also dismissed the writ petition and thereafter Letters Patent Appeal was dismissed on merit, the review petition is to be dismissed. It is dismissed.

(Mukesh R. Shah, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.10.2018
Transmission Date	

