

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1145 of 2018

In
Civil Writ Jurisdiction Case No. 762 of 2015

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PREMLATA DEVI WIFE OF LATE LAXMI KANT PATHAK RESIDENT OF
VILLAGE MEHADA SAHPUR, POLICE STATION AND DISTRICT BEGUSARAI.

.... Petitioner

Versus

The State of Bihar & Ors

.... opposite parties

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate

For the opp.parties : Mr. Vijay Kr.Verma, AC to G A 2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-07-2018 Heard learned counsel for the petitioner and learned
counsel for the opposite parties.

Instant application has been filed for review/recall of the observation recorded in paragraph 7 of order dated 26.3.2018, passed in C.W.J.C.No. 762 of 2015 as the two Special Leave Petitions, namely, S.L.P. Nos. 10597/2008 & 17879/2007 were not pending on the date of disposal of the said writ petition, i.e., 26.3.2018 and the same had already been dismissed by the Hon'ble Supreme Court vide order dated 19.7.2017. He submits that the error is, therefore, apparent on the face of the record.

This Court, in paragraph 8 of order dated 26.3.2018 has only taken care of the petitioner's claim observing that when final decision is taken in the above noticed two S.L.Ps. and if the benefit of promotion is granted to the other similarly situated as



the petitioner, then only the petitioner’s claim may arise.

In the opinion of the Court, there is nothing which comes in the way of grant of relief to the petitioner if benefit is granted to others similarly situated as per order passed in S.L.P.(C) Nos. 10597/2008 & 17879/2007. There is no reason for the Court to recall /review order dated 26.3.2018. However, the petitioner would be at liberty to make his claim for the benefits in terms of order passed by the Hon'ble Apex Court in the aforesaid two S.L.Ps.

The instant M.J.C. is disposed of with the observations as above.

(Madhuresh Prasad, J)

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