

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.115 of 2018

In

Letters Patent Appeal No.942 of 2014

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1. Dr. Sharda Nand Singh, S/o Late Lal Bihari Singh Rampur, Gadikhana, P.S. - Khagaul, District - Patna, Bihar.
2. Raju Chaudhary, son of Shri Pyarelal Chaudhary, MIG - 259, Kankarbagh Colony, Post - Lohiya Nagar, Patna - 800020, Bihar.
... .. Petitioners

Versus

1. The Secretary Examination Controller, Bihar Combined Entrance Competitive Examination Board, IAS Association Building, Near Airport, Patna, Bihar – 800014.
... Respondent-Appellant-Respondent.
2. Amrish Kumar, S/o Anil Choudhary, R/0- Village-Amarpur, P.O.-Alinagar Pali, P.S.-Kakpali, District-Jehanabad.
.... Petitioner-Respondent No.1-Respondent.
3. The State of Bihar through the Secretary Education, Government of Bihar, Patna.
4. The Principal, New Government Polytechnic, Patna, Bihar - 800013.
5. The Secretary, Department of Science and Technology, Patna, Bihar.
... .. Respondents- Respondents- Respondents

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Advocate
	:	Mr. Amit Pandey, Advocate
For the Respondent/s	:	Mr. Pushkar Narayan Shahi, Senior Advocate
	:	Mr. Manees Kumar AC to AAG-6
	:	Mr. Dirundu Kumar AC to AG-6
	:	Mr. Anuraj Singh, Advocate
	:	Mr. Shivam, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-07-2018

Office objections stand ignored.

Having heard learned counsel for the parties, who are present today, we are of the considered view that while disposing of the Letters Patent Appeal No.942 of 2014 on 31.08.2017, the Bench did make certain observations adverse to the present



petitioners, who are Handwriting Experts and had submitted their expert opinion. However, while doing so, the present petitioners were not noticed and they were not heard and adverse inference was drawn against them and, thus, the observations made against them will cause some prejudice in their professional activities.

That being so, the aforesaid observations without notice to the present petitioners and without hearing them, in our considered view, require to be expunged for the present. However, in case, the original petitioner in CWJC No.3754 of 2014 or the statutory authorities have any grievance with regard to the expert opinion given by the present petitioners, they are free to take action in accordance with law. However, no action would be taken against the present petitioners without hearing them and without notice to them.

With the aforesaid observations, the remarks made in CWJC No.3754 of 2014 against the present petitioners are expunged.

As far as grant of compensation to the original writ petitioner is concerned, the question of compensation would also be decided only after notice and hearing to the present petitioners.

We are passing the aforesaid order being conscious of the fact that the original petitioner has not been heard on this



application or the Bihar Combined Entrance Competitive Examination Board is also not before us, but we see no reason for the present to notice them keeping in view the nature of order passed by us, as is indicated hereinabove.

With the aforesaid clarification and modification to the order passed on 31.08.2017 in LPA No.942 of 2014, the Civil Review Application stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2018
Transmission Date	

