

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

Civil Review No. 43 of 2017

Abhishek Prasad

..... Petitioner

Versus

1. The Union of India through the Secretary,  
Ministry of Railway, Rail Bhawan, New Delhi.
2. The General Manager,  
South East Central Railway, Bilaspur
3. The Senior Divisional Personnel Officer,  
South East Central Railway, Raipur Division, Raipur (Chhatisgarh).
4. The Divisional Railway Manager,  
South East Central Railway, Raipur Division, Raipur (Chhatisgarh).
5. The Assistant Divisional Railway Manager,  
South East Central Railway, Raipur Division, Raipur (Chhatisgarh).
6. The Assistant Personnel Officer (Cadre),  
South East Central Railway, Raipur Division, Raipur (Chhatisgarh).

..... Opposite Parties

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**CORAM : THE HON'BLE MR. JUSTICE H. C. MISHRA**  
**THE HON'BLE MR. JUSTICE DR. S.N. PATHAK**  
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For the Petitioner : Mr. Subodh Kumar Dubey, Advocate.  
For the Opposite Parties : Mr. Abhishek Dubey, Advocate  
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**05/ 30.08.2018** This Review Petition is directed against the order dated 04.05.2017, passed in W.P.(S) No. 1166 of 2016, whereby finding that the appointment of the appellant in the Railways was on fraudulent basis, this Court did not interfere in the order passed by The Central Administrative Tribunal dismissing the application filed by the review petitioner and other such candidates.

The petitioner challenged the order of The Central Administrative Tribunal in this Court, and this Court also found that the appointment of the petitioner was made fraudulently, and as such, was *void ab initio*, and accordingly, there was no requirement of subjecting the petitioner to a regular departmental proceeding, before passing the order of termination of service, which was passed after giving due opportunity to show cause against the proposed action. The writ application was dismissed, relying upon the decision of the Apex Court, in **Distt. Primary School Council Vs. Mritunjoy Das & Ors.**, reported in (2011) 15 SCC 111. This review petition is filed, challenging this question of law decided by us.

We find that the review petition is fully misconceived, having been filed against the question of law decided by this Court, which can only be challenged in appeal.

There is no merit in this review petition and the same is accordingly, dismissed.

(H. C. Mishra, J.)

(Dr. S.N. Pathak, J.)