

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 5127 of 2018

In
CIVIL REVIEW No.133 of 2018

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Suresh Prasad Sharma son of Late Mohan Lal Sharma, Resident of Village Bindwara (Sharma Toli), P.S. Kasim Bazar, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Munger.
2. The Deputy Collector, Establishment, Munger Collectorate, Munger.
3. The Deputy Collector, Nazarat, Munger Collectorate, Munger.
4. The District Employment Officer, Munger, Fort Area, Munger.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Suman Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Dr. Anand Kumar, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 26-06-2019 Heard learned counsel for the applicant.

This restoration application has been filed for recall of the order dated 12th October, 2018 passed in Civil Review No. 133 of 2018.

The writ application was dismissed where a claim has been raised in respect of Class IV empanellment which took place in the year 2004. Admittedly the writ petition was filed after almost 11 years in the year 2015 for which the learned counsel contends that it was only in the year 2014 when the list was made available after the objections had been called.



Learned counsel submits that even if a dispute has been raised about the objection being filed by the applicant, here the facts remains that the emplacement had been made on erroneous considerations and therefore, the same deserves to be judicially reviewed.

A counter affidavit was filed in the writ petition whereafter the learned Single Judge found that since the application had been filed after more than 11 years, and the life of the panel itself was for one year, therefore, the learned Single Judge refused to exercise discretion under Article 226 of the Constitution of India.

The said judgment was assailed by in the L.P.A. which was also dismissed. A review application was filed in which the present restoration has been field. The review application was rejected as the learned counsel appearing for the applicant made a statement that he was not ready and prepared with the matter. Accordingly, the application was dismissed for non-prosecution.

Today, as per the narration hereinabove, we have heard learned counsel for the petitioner at length and considered the grounds raised in the review application as well. We do not find any error apparent on the face of record so as to review the



judgment or even interfere with the judgment of the learned Single Judge but in the event any such irregularities have been committed, the dismissal of the review application will not be an impediment in the event the department proceeds to take any appropriate action in the matter.

This restoration application accordingly stands rejected.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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