

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1625 of 2016

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Mantosh Kumar Mahto Son of SRi Dina Mahto Resident of village - Pipari
Singhai, Police Station - Panapur, District - Saran at Chapra

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Department of Agriculture, Government of Bihar, Patna
2. Agriculture Produce Commissioner, Department of Agriculture, Government of Bihar, Patna
3. Director Agriculture, Department of Agriculture, Government of Bihar, Patna
4. The District Magistrate, Saran Cum Chairman, Kishan Salahkar Selection Committee, Saran at Chapra
5. Joint Director, Department of Agriculture, Saran Division, Saran at Chapra
6. Kishan Salahkar Selection Committee, Saran at Chapra through its Chairman
7. The District Agriculture Officer Cum Member Secretary, Kishan Salahkar Selection Committee, Saran at Chapra
8. The District Development Commissioner Cum Member, Kishan Salahkar Selection Committee, Saran at Chapra

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Choudhary Shyam Nandan
For the Respondent/s	:	Mr. Mritunjay Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 14-02-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

It is submitted by Mr. Choudhary Shyam Nandan, Advocate, that he would be availing of remedy of review under Article 226 of the Constitution of India in light of the pronouncement of the Apex Court in the case of *Shivdeo Singh vs. State of Punjab*, reported in *AIR 1963 SC 1909*. It is submitted that cancellation of petitioner's selection as *Kishan Salahkar* has been made in compliance of certain orders passed



in CWJC No. 20231 of 2013, wherein neither notices were given to the petitioner nor the petitioner had appeared. However, he submits that since the order has been passed in the said manner, the impugned order (Annexure 10) dated 1.12.2015 cancelling his selection as ***Kishan Salahkar*** should be set aside.

The two prayers made by the petitioner cannot co-exist. If the petitioner has to avail the remedy of review in terms of the judgment of Apex Court referred to herein above, there is no occasion for this Court at the moment to interfere with the cancellation of his selection under the impugned order dated 1.12.2015 passed in compliance of CWJC No. 20231 of 2013.

With the liberty aforesaid the writ petition is dismissed.

(Madhuresh Prasad, J.)

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