

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.45 of 2019

In
Letters Patent Appeal No.2154 of 2015

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Anju Kumari W/o Mahesh Prasad R/o Village- Amba, P.O.- Amba, P.S.-
Alauli, District-Khagaria. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. Director, Primary Education, Govt. of Bihar, Patna-1
4. District Magistrate, Khagaria, District- Khagaria
5. District Panchayat Raj Officer, Khagaria, District- Khagaria
6. District Superintendent of Education, Khagaria
7. Sub Divisional Education Extension Officer, Khagaria, District- Khagaria
8. Block Education Extension Officer, Alauli, District- Khagaria. Cambalcharua, Block Alauli, District- Khagaria
9. Radhey Prasad Yadav, Panchayat Sachiv, Gram Panchayat Raj, Ambalcharua, Block Alauli, District- Khagaria
10. Chandra Kishore Singh, Incharge Headmaster, Middle School, Amba, Gram Panchayat Raj, Ambalcharua, Block Alauli, District- Khagaria
11. Sanju Kumari W/o Uday Chand Prasad Singh R/o Village- Morkahi, P.O.- Amba, P.S.- Alauli, Gram Panchayat, Ambalcharua, District- Khagaria
12. Pushlate Kumari W/o Rajeshwar Prasad Singh R/o Village- Amba, P.S.- Alauli, Gram Panchayat- Ambalcharua, District- Khagaria
13. Raju Ranjan S/o Harilal Singh R/o Village- Icharua, P.S.- Alauli, P.O.- Amba, District- Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 26-06-2019

I. A. No. 01 of 2019

This interlocutory application has been preferred for
condonation of delay of 1 year, 3 months and 4 days.



Learned counsel for the appellant submits that the judgment of the Hon'ble Division Bench of which the review has been sought for was subject to the Special Leave Petition (C) No. 33539 of 2019 which was heard and disposed of on 11.01.2019 giving liberty to the appellant to withdraw the Special Leave Petition and approach the High Court by way of review.

In the given facts and circumstances, we are inclined to condone the delay. I.A. No. 01 of 2019 thus, stands allowed.

Learned counsel for the appellant prays for adjournment, however, considering that it is a review application and is to be disposed of expeditiously, we are not inclined to grant adjournment.

The review petitioner in the present case is seeking review of the order dated 03.10.2017 by which the Letters Patent Appeal preferred by the present petitioner against the order of the Hon'ble Single Judge passed in Civil Review No. 327 of 2014 on 23.09.2015 was sought to be challenged. It is apparent that the original order passed on 26.06.2018 in C.W.J.C. No. 10905 of 2010 was subjected to a review application which was dismissed by the Hon'ble Single Judge. While filing the Letters Patent Appeal, the petitioner did not



challenge the original order passed in the writ application and chose to challenge the order passed in the review application. It is well settled that no Letters Patent Appeal would lie against an order passed in civil review refusing to review the main order/judgment passed in the writ application. This principle is in consonance with the provisions of the Order XLVII Rule 7 of the Code of Civil Procedure.

The Civil Review application has, thus, no merit. It is dismissed accordingly.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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