

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.564 of 2018

In
Civil Writ Jurisdiction Case No.11952 of 1998

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Bihar State Agricultural Marketing Board, through the Administrator-cum-Special Secretary, Government of Bihar, Patna.

...Respondents ... Petitioner/s

Versus

1. Bihar Rajya Krishi Vipnan Parishad, Bazar Praveshik Sangh through its Secretary Ram Binod Singh.
2. Ram Binod Singh, Son of Late Bhekhdhari Singh, Resident of Village-Supaul, P.S. Tajpur, District- Samastipur.
3. Ram Babu Singh, Son of Sri Gorakh Singh, Present posted as Marketing Secretary, Pupri, Sitamarhi and President, Bihar Rajya Krishi Vipnan Parishad, Bazar, Parvekshak Sangh.

..... Petitioner- Opposite Parties

4. Bihar State Agriculture Marketing Board through its Managing Director.
5. The Managing Director, Bihar State Agriculture Marketing Board, Pant Bhawan, Jawaharlal Nehru Marg, Patna.
6. D.K. Chaudhayr, Son of not known, Legal Assistant, Bihar State Marketing Board, Patna (Now Dissolved through Bihar Agriculture Produme (Market Repeal Act, 2006).

...Respondent nos.1 to 3 ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Ambastha, SC-26
Mr. Subodh Kumar, AC to SC-26

For the Opposite Party/s : Mr. Jai Prakash Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 03-04-2019

Heard the parties.

This civil review application is filed seeking a review of the judgment and order passed by this Court dated 26.04.2018 on CWJC No.11952 of 1998, whereby the writ petition was allowed and the writ petitioners were held entitled to the reliefs prayed.



It is raising two grounds which are practically founded on the same objections which were taken note of by this Court to reject the stand of the respondents, which is again pressed into service for seeking a review, inter alia, citing reasons that two resolutions i.e. resolutions dated 28.06.1994 and 23.05.1996 could not be produced even after due diligence and in absence of which effective assistance could not be rendered.

I have examined each of the two resolutions and which make no deviation rather these resolutions were much available when a Bench of this Court had earlier expressed opinion in a writ petition arising from CWJC No.8571 of 1996 filed by some aggrieved Price Reporters to allow the writ petition on 19.03.1998.

In my opinion considering that the writ petition was filed in 1998 and came up for consideration more than 20 years later in 2018 when it was allowed vide judgment and order dated 26.04.2018 neither the issue raised is sustainable on merits nor the grounds assigned for the failure of the respondents to produce the resolutions in question are sustainable for inviting a review, which can make no deviation to the opinion expressed.

The issue raised in this civil review application is the same as raised by the respondents when the writ petition came up for consideration and thus neither the resolutions so relied upon



nor even Section 51(ii) of the Bihar Agriculture Produce Act, 1960 as canvassed by Mr. Manoj Kumar Ambastha, learned Standing Counsel No. 26 are holding merit for inviting a review.

This civil review application is misconceived and is dismissed accordingly.

(Jyoti Saran, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.05.2019
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