

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.318 of 2014

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Rinku Kumari W/o Shree Rajeev Kumar Rai R/o Village Post-Sarairanjan Dih,
P.S.-Sarairanjan, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources and Development, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector, Samastipur.
3. The District Superintendent of Education Samastipur.
4. The Block Development Officer, Sarairanjan, Block Samastipur.
5. The Block Education Extension Officer, Block Sarairanjan, Samastipur.
6. The Head Master, Primary School Shepur Narsarai, Block Sarai Ranjan, Samastipur.
7. The Panchayat Secretary, Gram Panchayat Raj, Sarairanjan Purvi, Samastipur.
8. The Mukhiya, Gram Panchayat Raj Sarairanjan Purvi, Block Sarai Ranjan, Samastipur.
9. The Members, District Teachers Appointment Appellate Authority, Samastipur.
10. Kumari Bibha W/o Shree Nevash Prasad Singh R/o Village-Shepura Narsarai, P.O.-Barbara Block, Sarairanjan, District-Samastipur.
11. Md. Rasid S/o Md. Akhalakh, R/o Village-Aadharpur, Via-Tajpur, District-Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binit Kumar
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

5 30-01-2019 Heard learned counsel for the parties.

2. This application under Section 114 of the Code of Civil Procedure, 1908, has been filed by the petitioner for review of the order dated 29.08.2014 passed in L.P.A. No. 768 of 2012, whereby the appeal preferred by the petitioner under



Clause 10 of the Letters Patent of the Patna High Court against the order dated 26th March 2012 passed by the learned Single Judge in C.W.J.C. No. 5535 of 2012 was dismissed.

3. Learned counsel for the petitioner submitted that several facts in favour of the petitioner were not considered by the appellate authority and the learned Single Judge while dismissing the appeal and the writ petition respectively preferred by the petitioner without appreciating the facts and law correctly. He contended that for the same reason, the dismissal of the Intra-Court Appeal by this Court is also bad in law and the Court requires a review on merit.

4. We have perused the record of the case. We find that the petitioner had challenged the order dated 18.10.2010 passed by the District Teachers Appointment Appellate Authority, Samastipur in C.W.J.C. No. 5535 of 2012. The appellate authority had found that after cancellation of all appointments made in the Panchayat, the Block Development Officer, had started the process and had made appointment from his own level. The authority had further found that the proceeding dated 11.10.2007 made it manifest that at the time of appointment, members of the Appointment Committee i.e. Mukhiya, Panchayat Secretary, members of the Committee,



representative of the School Education Committee and others were not present. It had also noticed the admission of the Block Development Officer that all the employments were made at his own level without involving the Appointment Committee. In these background of facts, the appellate authority dismissed the appeal preferred by the petitioner against the order of her removal. The learned Single Judge concurred with the findings of fact given by the appellate authority and dismissed the writ petition filed by the petitioner, holding therein that the appointment of the petitioner was made contrary to the prevalent law. The Intra-Court Appeal preferred by the petitioner was also dismissed by this Court, finding no error either in the order passed by the appellate authority or the order passed by the learned Single Judge.

5. In the review petition the petitioner has failed to point out any error apparent on the face of the record. He has tried to argue the case on merit afresh in order to substantiate his claim that the orders passed by the appellate authority, the learned Single Judge and the Division Bench are bad in law.

6. The law in respect of exercise of review jurisdiction does not permit the Court to re-appreciate the case of the petitioner on merit. In that view of the matter, we see no merit in



this review application, which is accordingly dismissed.

(Ashwani Kumar Singh, J)

(Chakradhari Sharan Singh, J)

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