

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.34 of 2017

In
Letters Patent Appeal No.321 of 2012

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Parsuram Nut S/o Adalat Nut, Resident of Village- Balihar, P.O. Dulahpur,
P.S. Simri, District- Buxar. Petitioner/s

Versus

1. The State Of Bihar and Ors
 2. The Director of Secondary Education, Government of Bihar, Patna.
 3. The Regional Deputy Director of Education, Bhojpur at Ara.
 4. The District Superintendent of Education, Buxar, District- Buxar.
 5. The Headmaster, A.S.M. High School, Balihar, P.S. Simri, District- Buxar.
... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh
For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey Aag 15

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 30-01-2019

I.A. No. 3607 of 2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This interlocutory application under Section 5 of
Limitation Act has been filed by the petitioner for condoning the
delay of two years eight months and twenty five days in filing the
review application against the judgment dated 10.04.2014 passed
by this Court in LPA No. 321 of 2012.

3. Mr. Rajeev Kumar Singh, learned counsel for the
petitioner submitted that after removal from service the petitioner
went outside the State to earn his livelihood. The intra court appeal
was dismissed on 10.04.2014 and nobody informed him about the



dismissal of the appeal. He came to Patna in January, 2017 and contacted his lawyer, who informed him that the letters patent appeal has been dismissed on 10.04.2014 and thereafter the review application was filed on 09.02.2017 after consulting his lawyer. He further contended that the petitioner, who is a poor person, has committed no laches on his part and the delay caused in filing the review application has occasioned due to the compelling reasons as stated above.

4. Per contra, learned counsel appearing for the State submitted that no justifiable ground for condoning the delay has been used by the petitioner in the instant interlocutory application. The plea that the lawyer did not inform the petitioner about dismissal of the appeal cannot be accepted as the orders being passed by this Court are being uploaded on the website of the High Court and information regarding the outcome of the case is also being communicated to the parties as well as the lawyer on their respective mobile numbers. He further contended that even otherwise, a litigant, who pursues his remedies before the Court, is required to be vigilant. The lame excuse that the communication about the outcome of the case was not made to him cannot be a ground for condoning the inordinate delay of about three years.

5. We have heard learned counsel for the parties.



6. We find substance in the submission of the learned counsel for the State. The explanation submitted by the petitioner for the inordinate delay caused in filing the review application can not be accepted. That apart, we have also heard learned counsel for the petitioner on merits of the review application. He has tried to convince us that the order under review is bad in law. If that is the case, he ought to have challenged the same before the Hon'ble Supreme Court instead of filing a review application before this Court. No error apparent on the face of the record could be pointed out by him, which could have been a ground for review of the order passed by this Court.

7. In that view of the matter, the interlocutory application stands dismissed. As a consequence thereof, the review application also stands dismissed.

(Ashwani Kumar Singh, J)

(Chakradhari Sharan Singh, J)

pradeep/sneha

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2019
Transmission Date	

