

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.311 of 2018

Dr. Rangnath Pathak S/o Late Dhanraj Pathak R/o village - Chini Mill (East)
near 11 No. Lakh, P.S. Buxar (M) , District - Buxar Petitioner
Versus

1. The State Of Bihar
2. Commissioner Cum Secretary, Department of Medical Education, Family Welfare and I.S.M., New Secretariat, Bailey Road, Patna, Bihar
3. The Director, Desi Chikitsa, Department of Health and Family Welfare, New Secretariat, Bailey Road,
4. Deputy Director, Desi Chikitsa, Department of Health and Family Welfare, New Secretariat, Bailey Road, Patna
5. Principal, Shri Dhanvantary Ayurvedic College, Buxar, District Buxar
... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Archana Sinha @ Archana Shahi, Advocate
For the Opposite Party/s : Mrs. Shama Sinha, AC to AAG IX

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 23-01-2019

Re:- I. A. No. 6961 of 2018

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

This interlocutory application has been filed seeking
condonation of delay of 230 days in filing of the present review
application.

In the interest of justice, for the reasons stated in the
application, we are inclined to condone the delay.

I. A. No. 6961 of 2018 stands allowed.

Re: Civil Review No. 311 of 2018

Now coming to the merit of the application, we have



heard learned counsel for the parties and perused the records.

This application has been preferred seeking review of the order dated 23.11.2017, passed in Letters Patent Appeal No. 517 of 2016, by which the Hon'ble Division Bench of this Court had been pleased to refuse interference in the judgment of the learned Single Judge of this Court.

The reasons and rational which persuaded this Court to dismiss the Letters Patent Appeal have been fully indicated by the Hon'ble Division Bench by re-producing the paragraphs 172 to 180 of the judgment rendered in the writ application. While trying to persuade us to review the order dated 23.11.2017, learned counsel representing the petitioner submits that the petitioner was in possession of original certificates to demonstrate that he was holding the requisite qualification for the post of Demonstrator and that he was actually appointed by the then Managing Committee of the College on the post of Demonstrator.

Learned counsel submits that this aspect of the matter could not be considered either by the learned Single Judge or in appeal by the Hon'ble Division Bench.

On the other hand, learned counsel representing the State has drawn our attention towards the specific finding



recorded by the second Screening Committee in its report wherein the petitioner had been found unfit for absorption. The learned Single Judge has in fact reproduced the findings of the second Screening Committee in its judgment recorded in paragraph 174.

We have given our anxious consideration to the submissions of learned counsel for the petitioner but on going through the records we find that the contentions raised at this stage are totally unfounded. Perusal of paragraph 174 of the judgment of the learned Single Judge would show that the specific findings of Screening Committee has been taken note of as basis to conclude the ineligibility of the petitioner to hold the post of Demonstrator. In course of argument, we also wanted to know from Ms. Archana Sinha, learned counsel representing the petitioner as to whether the petitioner had at any point of time challenged his so called promotion on the post of Chikitsa Padadhikari vide order dated 10.08.1985 because it has also come by way of a finding based on record that post of Chikitsa Padadhikari is a non-teaching post under the Statute framed under the Bihar State University Act.

Learned counsel on instruction submits that the petitioner had never challenged his transfer and posting as



Chikitsa Padadhikari.

This being the position, we find no apparent error on the face of the records so as to exercise our review jurisdiction.

This application has, thus, no merit. It is dismissed accordingly.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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