

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 298 of 2019**

*{Arising out of order dated 16.05.2019 passed by learned Single Judge in Review
Petition No. 88 of 2019}*

- Arun Kumar Pathak S/o Late Ramesh Prasad Pathak Aged About 43 Years Presently Working As Laboratory Technician, At Government Naveen Collage Tapkara, District Jashpur, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through Secretary, Department of General Administration, Mantralaya Mahanadi Bhawan, Naya Raipur (C.G.)
2. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar, Raipur (C.G.)

---- Respondents

For Appellant	:	In person.
For Respondent No.1/State	:	Ms. Richa Shukla, Deputy Government Advocate.
For Respondent No.2/PSC	:	Shri Ashish Shrivastava, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Sanjay K. Agrawal, Judge****Judgment on Board****Per Sanjay K. Agrawal, Judge****28.06.2019**

1. This writ appeal is directed against the order passed by learned Single Judge by which the review petition filed by the Appellant-Petitioner has been rejected by the learned Single Judge.
2. Shri Arun Kumar Pathak - Appellant in person submits that there is an error apparent on the face of the record and therefore, learned Single Judge ought to have entertained the review petition.

3. Ms. Richa Shukla, learned counsel for the State would submit that against the dismissal of his original writ petition vide order dated 04.01.2019, the Petitioner had preferred Writ Appeal No. 59 of 2019 before this Court and after hearing the parties on 04.02.2019, the writ appeal has also been dismissed and that has become final. Therefore, this writ appeal is not maintainable. Even otherwise, the learned Single Judge has clearly recorded a finding that there is no error apparent on the face of record in the order under challenge.
4. Shri Ashish Shrivastava learned counsel for Respondent No. 2 would support the impugned order.
5. We have heard the Appellant in person and learned counsel for the Respondents.
6. The original order of the writ petition dismissing the writ petition dated 04.01.2019 has already been affirmed in the writ appeal by this Court in W.A. No. 59 of 2019 on 04.02.2019, and as such, the order of the learned Single Judge has now merged in the order of appeal passed by the Division Bench in writ appeal. Even otherwise, learned Single Judge has clearly held that there is no error apparent on the face of record in the order dated 04.02.2019. Therefore, we are of the considered opinion that the writ appeal is not maintainable and we do not find any ground to entertain the instant appeal.
7. The writ appeal is dismissed accordingly at the admission stage itself.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Sanjay K. Agrawal)
Judge