

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.23 of 2019

In
Letters Patent Appeal No.689 of 2016

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1. The State Of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna
 2. the Director, Indigenous Medicine, Department of Health, Government of Bihar
 3. The Principal of Sri Dhanwanti Ayurvedic College, Ahirauli, Buxar.

... .. Petitioner/s

Versus

Ashok Kumar Sinha Late Gopaljee Sahay Resident of Village-Shahpurpatti,
P.S. Shahpurpatti, District-Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Bhagat (Ac To Aag 12)
For the Opposite Party/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-02-2020

I.A. No.2 of 2019

Having heard learned Counsel for the parties, we are satisfied that the delay has been sufficiently explained. The delay condonation application is allowed. The application is treated to be within time.

C. Review No.23 of 2019

The application filed on 22.1.2019 is listed for hearing for the first time today before the Court.

This review application has been preferred for review



of the order dated 7.7.2017, passed in L.P.A. No.689 of 2016, titled as The State of Bihar & Ors. Vs. Ashok Kumar Sinha, by a Division Bench of this Court whereby the L.P.A. stood dismissed.

The error, factual in nature, sought to be pointed out in this review application, cannot be allowed to be so done, moreso, when the review applicant failed to make necessary correction either before the Writ Court or the Appellate Court, which is now sought to be agitated by this review application. Such error ought to have been brought to the notice of the Court at first point in time.

We do not find any reason to interfere with the well considered judgment rendered by a Co-ordinate Bench of this Court. In our considered view, there is neither any mistake nor error apparent on the face of record or sufficient reason so as to take in its sweep, a ground analogous to those specified in the statutory provisions. There is no material error, manifest on the face of the order, undermining its soundness or resulting into miscarriage of justice. Review is not an appeal in disguise entitling the party to be reheard, simply because the party wants a decision to be otherwise.

Keeping in view the principles laid down in Kamlesh



Verma Versus Mayawati and others, (2013) 8 SCC 320 and
Medical Council of India Versus Christian Medical College,
Vellore& Ors., (2016) 4 SCC 342 , present petition, being
devoid of merit, is dismissed.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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