

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No. 356 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 9654 of 2014

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1. The Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Registrar.
 2. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
 3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.

... .. Respondent/s / Petitioner/s

Versus

1. Dr. Umesh Sharma, Son of Late Kapildeo Sharma, Resident of Village-Derhsaiya, P.S.- Kako, District- Jehanabad.
..... Opposite Party/s
2. The State of Bihar, through the Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Principal Secretary (Higher Education), Department of Education, Government of Bihar, Patna.
4. The Director (Higher Education), Department of Education, Government of Bihar, Patna.

... ..Respondent/s / Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy, Advocate
For the Opposite Party No. 1	:	Mr. Arun Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for the petitioners.

2. The petitioners have moved the Court seeking review of order dated 14.07.2014 passed in CWJC No. 9654 of 2014. The petitioners challenged the order in LPA No. 221 of 2015, which was dismissed as withdrawn by order dated 21.04.2016 noting the stand taken by learned counsel for the petitioners to



withdraw the same for filing review. In terms thereof, the present review application has been filed.

3. Order dated 14.07.2014 in CWJC No. 9654 of 2014, of which review is sought, reads as under:

“If the office order of the In-charge Registrar, contained in Memo No.1140 dated 01.02.2011, issued under the orders of the University, granting promotion to the petitioner to the post of Reader with effect from 23.05.2000, is not yet rescinded or recalled, the petitioner is obviously entitled for monetary benefits thereof, which, as alleged by the petitioner, has not been paid.

Learned counsel for the University submits that this writ application may be disposed of with a direction to the University officials to take appropriate action in accordance with law, if the said office order is still in operation.

This writ application is accordingly disposed of with a direction to the University officials to see to it that all the monetary benefits flowing from the said promotion order, a copy whereof is annexed as Annexure-9 to the writ application, are paid to the petitioner positively within two months from the date of receipt/production of a copy of this order.”

4. Learned counsel for the petitioners submitted that the order granting promotion to the opposite party no. 1 (writ petitioner) dated 01.02.2011 was found to be erroneous and, thus, the petitioners have recalled that order.

5. On a direct query of the Court to learned counsel for the petitioners as to when such order was recalled, the stand is that after passing of the order dated 14.07.2014.



6. In view of the aforesaid, in the considered opinion of the Court, the order passed by the writ Court being based on the sole ground that the promotion given to the opposite party no. 1 dated 01.02.2011, has not yet been rescinded or recalled and in such background the Court has held that the monetary benefits have to be paid.

7. Accordingly, the Court does not find that recalling of the order dated 01.02.2011, much after passing of the order dated 14.07.2014, can form a ground for review of the said order. The same, at best, can be a ground to be taken before the appellate Court.

8. For reasons aforesaid, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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