

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL REVIEW No.11 of 2021

In

Civil Writ Jurisdiction Case No.7750 of 2020

Sanjay Kumar Son of Muneshwar Choudhary Resident of Mohalla and P.O.-
Mahanandpur, P.S.-Dipnagar, District-Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of transport Govt. of Bihar, Patna.
2. The Chairman, Bihar Staff Selection Commission, Veterinary College, Patna-14.
3. The Secretary, Bihar Staff Selection Commission, Veterinary College, Patna-14.
4. The Examination Controller, Bihar Staff Selection Commission, Veterinary College, Patna-14.
5. Mr. Dilip Kumar, S/o Mahesh Prasad through the Principal Secretary, Department of transport, Govt. of Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Krishna Bariar
: Mr.Purushottam Kumar Jha
For the Opposite Party/s : Mr.Ajay Kumar Rastogi (AAG-10)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 10-03-2021

The petitioner, in the present application is seeking review of an order passed by this Court dated 18.09.2020 in C.W.J.C. No. 7750 of 2020 whereby his writ application was dismissed.

2. The petitioner had approached this Court by way of aforementioned writ application, seeking quashing of an order



dated 26.08.2019 whereby his candidature for selection against the post of Motor vehicle Inspector made in pursuance of Advertisement No. 2607 dated 01.08.2007 was cancelled. The dispute, which the writ petition involved, has been mentioned in paragraph 3 of the order under review. It is evident from the said paragraph that apart from minimum eligibility of educational and technical qualification, the Advertisement No. 2607 dated 01.08.2007 required that a candidate for the post must have the work experience of repair, overhauling and inspection in a Workshop registered under the Factories Act, 1948 (hereinafter referred to as 'the act') engaged in the business of repair of light and heavy motor vehicles etc. The Court had noted that the only question which warranted determination in the writ application was, as to whether, the petitioner had been able to make out a case that the Workshop, in which, the petitioner claimed to have worked in support of his work experience, was registered under the Act, during the period when the petitioner claimed to have acquired the desired experience. This Court upon examination of the materials on record and submissions advanced on behalf of the parties recorded that there was no convincing material at all to show that registration of the Workshop in question namely Sarvoday Engineering Works & Auto Servicing was subsisting or



renewed for the calendar year 2001, 2002 and 2003. It is to be noticed that it was contended on behalf of the petitioner in the writ proceeding that one Dilip Kumar had also submitted his work experience certificate issued by the same Workshop, which was accepted as valid for the purpose of fulfilling the qualification prescribed in the advertisement. Dealing with the said contention of the petitioner, this Court had recorded following findings in paragraph 8:-

“It has already been noted above, on the basis of the documents relied on by the petitioner himself, that registration of the work shop was renewed for the calendar years 2004 and 2005. Evidently, the period when the petitioner claims to have acquired experience from the work shop, the registration of the work shop was not renewed whereas in case of Dilip Kumar, his work experience relates to a period when the registration of the work shop in question, was renewed.”

3. It has been stated in the review application that on 18.09.2020, a supplementary affidavit was filed on behalf of the petitioner and a short adjournment was sought, so that the certificate of registration of the firm in question



(Sarvoday Engineering Works & Auto Servicing) for the calendar years 2001, 2002 and 2003 (wrongly typed as 2002) might be brought on record. However, the writ application was dismissed on merit on the same day i.e. 18.09.2020. It is the petitioner's case that non consideration of supplementary affidavit filed on behalf of the petitioner has resulted in dismissal of the connected writ petition. With the review application, a copy of the supplementary affidavit said to have been filed on behalf of the petitioner, has been brought on record.

4. Mr. Purushottam Kumar Jha, learned counsel appearing on behalf of the petitioner has referred to Annexures 12, 13 and 14 of the supplementary affidavit said to have been filed on 18.09.2020 in C.W.J.C. No. 7750 of 2020 to submit that the Workshop in question did have the necessary registration. The Court has noticed apparent over-writings in description of the calendar years in Annexure 12 and Annexure 14 of the supplementary affidavit, which has been annexed with the present review application. In response to a query made by this Court, as to the circumstance, in which, the said over-writings are present in the documents, Mr. Jha, learned counsel for the



petitioner has submitted that since the figures were not legible, the same have been highlighted by the acts of overwriting by learned counsel.

5. The documents on which the petitioner is thus placing reliance in the present review application, which according to the petitioner could not be brought to this Court's notice are not sacrosanct and have been tinkered with, which in the Court's tentative opinion is a misdemeanor. In any view of the matter, no case for review of the order is made out.

6. A review application cannot be entertained lightly and can be entertained only when there is a glaring omission/patent mistake or like grave error crept in the earlier order by judicial fallibility, *Moran Mar Basselios Catholicos and Another v. Most Rev. Mar Poulouse Athanasius and Others* (AIR 1954 SC 538). There is no averment in the application seeking review that despite exercise of due diligence, the petitioner could not obtain the documents in question on or before the date of passing of the order.

7. Further, facts disclosed in the order under review depicts that the petitioner is unnecessarily cogitating



the issue in relation to the selection process, which started in 2007. This is a completely frivolous application, which deserves to be dismissed and is dismissed accordingly.

(Chakradhari Sharan Singh, J)

AKASH/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10/03/2021
Transmission Date	N/A

