

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.2 of 2019

In
Civil Writ Jurisdiction Case No.748 of 2017

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Rupesh Kumar, Son of Sri Jaynath Baitha, R/o Village-Parsauni Mailwar,
P.S.-Parsauni, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna
2. The Principal Secretary, Education Department, Bihar, Patna
3. The Director Administration cum Principal Secretary, Education Department, Bihar, Patna
4. State Project Director, Bihar Education Project Council, Shastri Bhawan, Rastrabhasha Parishad Campus, Saidpur, Rajendra nagar, Patna
5. The District Magistrate, Sitamarhi
6. The District Education Officer, Sitamarhi
7. District Programme Officer, Primary Education and Sarve Shiksha Abhiyan, Bihar Shiksha Pariyojana, Sitamarhi, District-Sitamarhi
8. Rahul Kumar, S/o Sarvesh Thakur, R/o Village and P.O.-Kamtaul, P.S.-Kamtaul, District-Darbhanga
9. Md. Tabrez, Son of Md. Israfil, R/o Village-Parsauni Mailwar, P.O. and P.S.-Parsauni, District-Sitamarhi
10. Ravindra Kumar, S/o Shambhu Paswan, R/o Village-Gopalpur, P.O. Mohani Mandal, P.S. Mejorganj, District-Sitamarhi
11. Abhishek Kumar, S/o Kamaldeo Ram Karun, R/o Village-Marhiya Mohan, Post-Pachpakari, P.S. Dhaka, District-East Champaran
12. Sunil Kumar, S/o Rameshwar Rai, R/o Village-Bhatuha, Post Meghpur, P.S. Pupari, District-Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate Mr.Nilesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Ashutosh Ranjan Pandey, AAG 15 Mr.Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 09-11-2022 Mr. Ajay Kumar Thakur, learned counsel for the

petitioner, submits that the petitioner has obtained information

under R.T.I., which has been made available on 31.12.2018, to



the effect that vacancies were available and petitioner has stated this fact in the writ application.

The Court would observe that the present application is for review and lies within a very narrow compass. The alleged fact, that vacancies were available admittedly is not an issue raised or considered in the order dated 04.12.2018. This Court would thus refrain from exercising jurisdiction to review the order passed in C.W.J.C. No. 748 of 2017, based on submission that vacancies were available, as the same is an extraneous issue as per decision of the Apex Court in the case of ***M. P. Electricity Board vs. Dev Narayan Patel*** reported in ***(2005) 10 SCC 220***. Relevant extract of paragraph 5 of the judgment, reads as follows:-

“5.While deciding the review petition the High Court addressed itself to an extraneous issue — an issue which was neither raised nor decided in the main case. For this, no doubt, the appellant has to be partly blamed. In these circumstances we are of the view that the order under appeal has to be set aside. Any claim as to further promotional benefits has to be separately agitated by the respondent in an appropriate forum, if it is open to him to do so under the law.....”



The information under R.T.I. in this regard, is also of a date subsequent to passing of the order dated 04.12.2018 in C.W.J.C. No. 748 of 2017.

The Court would observe that no case is made out for review of order dated 04.12.2018 passed in C.W.J.C. No. 748 of 2017 in the above circumstances.

There is no case made out for review of the writ order.

Application is accordingly dismissed.

(Madhuresh Prasad, J)

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