

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1029 of 2019

In
Civil Writ Jurisdiction Case No.10905 of 2010

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Anju Kumari W/o Mahesh Prasad Resident of Village Amba, P.O. Amba, P.S. Alauli, District-Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary Human Resources Development Department, Govt. of Bihar, Patna
3. Director Primary Education, Govt. of Bihar, Patna-1
4. District Magistrate Khagaria, District-Khagaria
5. District Panchayat Raj Officer Khagaria, District-Khagaria
6. District Superintendent of Education Khagaria
7. Sub-Divisional Education Extension Officer Khagaria, District-Khagaria
8. Block Education Extension Officer Alauli, District-Khagaria
9. Sri Naresh Singh the then Mukhiya, Gram Panchayat Raj, Ambaicharua, Block Alauli, District-Khagaria
10. Radhey Prasad Yadav Panchayat Sachiv, Gram Panchayat Ram Ambaicharua, Block Alauli, District-Khagaria
11. Chandra Kishor Singh In charge Headmaster, Middle School, Amba Gram Panchayat Raj, Ambalcharua, Block Alauli, District-Khagaria
12. Sanju Kumari W/o Uday Chand Prasad Singh R/o Village-Morkahi, P.O. Amba, P.S. Alauli, Gram panchayat Ambalcharua, District-Khagaria
13. Pushlata Kumari W/o Rajeshwar Prasad Singh R/o Village-Amba, P.S. Alauli, Gram panchayat Ambalcharua, District-Khagaria
14. Raju Ranjan Son of Harilal Singh R/o Village-Icharua, P.S. Alauli, P.O.- Amba, District-Khagaria

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar, Advocate
For the Respondent/s : Mr. S.S. Tiwary, Ac to AAG-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-12-2022



Heard learned counsels for the parties.

The instant L.P.A. has been filed against the order of the learned Single Judge dated 26.08.2014 passed in C.W.J.C. No. 10905 of 2010. Thereafter, appellant invoke remedy in filing Review Petition No. 327 of 2014 and it was dismissed. Thereafter, she preferred L.P.A. 2154 of 2015 against the order of Civil Review and it was dismissed on 03.10.2017. Feeling aggrieved and dissatisfied with the order of the L.P.A. Bench, appellant invoke remedy before the Apex Court in filing SLP (C) No. 33539 of 2018 and it was sought to be withdrawn on 11.01.2019 with a liberty to file review of the order dated 03.10.2017. Thereafter, Civil Review No. 45 of 2019 was filed in L.P.A. No. 2154 of 2015 and it was dismissed on 26.06.2019. In this backdrop, present L.P.A. has been filed in so far as challenging the order of the learned Single Judge passed in C.W.J.C. No. 10905 of 2010 decided on 26.08.2014. It is to be noted that appellant has failed to question the order of the learned Single Judge dated 26.08.2014 passed in C.W.J.C. No. 10905 of 2010 at the initial stage when she had questioned the validity of Civil Review petition dated 23.09.2015 (Civil Review No. 327 of 2014). She had cause of action when L.P.A. No. 2154 of 2015 was filed against the aforesaid Civil Review No. 327 of 2014. Further it is to be noted that order passed in Civil Review No. 327 of 2014 dated 23.09.2015 is merged with the original order passed in C.W.J.C. No. 10905 of 2010 dated 26.08.2014. Thereafter, appellant has invoke remedy before the



Hon'ble Supreme Court in filing Petition (S) for Special Leave to Appeal (C) No. (S) 33539 of 2018 and it was dismissed as withdrawn with liberty to approach High Court by way of review.

Thereafter once again Civil Review No. 45 of 2019 in L.P.A. 2154 of 2015 was filed before this Court and in which appellant suffered order. Therefore, in not questioning the original order dated 26.08.2014 passed in C.W.J.C. No. 10905 of 2010 when appellant had questioned the validity of Civil Review order passed in Civil Review No. 327 of 2014 in L.P.A. No. 2154 of 2015, the same cannot be questioned at this distance of time that too when the original order merges with Civil Review. Hence, appellant has not made out a case.

Accordingly, the present L.P.A. stands dismissed on the ground of delay in filing L.P.A. as well as on maintain ability of the aforementioned L.P.A. No. 1029 of 2019. In other words filing of two independent L.P.As against order passed in C.W.J.C. No. 10905 of 2010 and Civil Review No. 327 of 2014 are not maintainable in law.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

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AFR/NAFR	
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