

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.403 of 2019

In
Civil Writ Jurisdiction Case No.19974 of 2019

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Mritunjay Kumar S/o Late hari Narayan Resident of Sri Krishna Nagar,
Rahika Tola, Araria Town, P.S.-Araria, P.O.-Araria, District-Araria at present
posted as Additional Collector, Disaster Management, Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary General Administration Department, Govt. of Bihar,
Patna
3. The Deputy Secretary General Administration Department, Govt. of Bihar,
Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate
		Mr. Ram Binod Singh, Advocate
For the Opposite Party/s :		Mr. Prabhat Kumar Verma (AAG-3)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 12-10-2022 Heard Mr. Bindhyachal Singh, learned Senior Counsel

appearing on behalf of the petitioner and learned Additional

Advocate General No. 3 for the State.

The petitioner is seeking review of an order dated
14.11.2019 passed in CWJC No. 19974 of 2019, whereby his
writ application seeking direction to the respondents to consider
his case for promotion to the rank of Joint Secretary with effect
from 18.06.2014 was rejected mainly on the ground of delay.

The petitioner had claimed in his writ petition that he
was entitled to promotion to the said rank with effect from



18.06.2014 which is the date from which his juniors were granted such promotion.

Paragraphs No. 5 and 6 of this Court's order dated 14.11.2019 which is under review reads as under:-

“5. In response to a query made by this Court, as to why the petitioner has approached more than five years after the DPC had held its meeting in which the case of the petitioner was, according to him, erroneously not considered, learned counsel for the petitioner has submitted that the petitioner had been consistently approaching the authorities by making representations. One such representation dated 15.03.2019 has been brought on record by way of Annexure-4 to the writ application.

6. I have perused the pleadings on the writ application carefully. There is no averment at all in the writ application that immediately after the notification was issued on 18.06.2014, promoting persons below in the seniority-list, or within a reasonable period, the petitioner raised any grievance before any authority. The first representation appears to have been filed by the petitioner in March, 2019. Thereafter the present writ application has been filed in September, 2019.”

Mr. Bindhyachal Singh, learned Senior Counsel appearing on behalf of the petitioner has submitted that as the petitioner was made to suffer continuing wrong because of the laches on the part of the respondents resulting into denial of his due promotion, his writ application ought not to have been dismissed merely on the ground of delay. He has submitted that



the effect of denial of promotion with effect from the aforesaid date has everlasting adverse consequences.

Be that as it may, I am of the view that the submissions which have been advanced on behalf of the petitioner seeking review of the order do not disclose valid grounds germane for exercising power of review of an order. No error apparent on the face of the order has been pointed out on behalf of the petitioner which could have been a ground for review. It is not permissible for this Court to sit in appeal over its own order in the garb of review.

Considering the abovenoted facts and circumstances, I do not find any merit in the review application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

K.K.RAO/-

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