

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.513 of 2018

In
Letters Patent Appeal No.1329 of 2013

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1. Indradeo Paswan S/o Gouri Shankar Manjhi R/o Village-Khawaspur Kala P.O. and P.S. Dorigaganj, Dist., -Saran
 2. Suresh Kumar S/o Shankar Sah Resident of Village-Dahiyawan Tola, North to Railway line, P.O. Chapra Town Dist. -Saran
 3. Arun Kumar Gupta S/o Late Jaglal Sah R/o Mohalla Butanbari, P.O. Chapra, P.S. Town, Dist. -Saran
 4. Surendra Rai S/o Shri Bhutan Rai r/o Village-Ramnagar, Chhawani P.O. Bhagwan Bazar, P.S. Town Dist. -Saran
 5. Navindra Prasad Singh S/o Late Amarnath Singh R/o Viull-Deftarepur, P.O. and P.S. Deruganj Dist. -saran
 6. Lalbabu Ravi s/o Sharma Rai R/o Vill Tiaharajganj P.O. Golddenganj, P.S. Mufassil, Dist. -Saran at Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary Department of Health Govt. of Bihar, Patna
4. The Director in Chief, Govt. of Bihar, Patna
5. The Chief Malaria Officer, Bihar, Patna
6. The District Magistrate, Saran at Chapra
7. The District Malerisa Officer, Saran at Chapra
8. The Assistant Director (Employment) Sub Regional Director, Exchange Saran the Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 12-04-2023 Heard Mr. Shashi Shekhar Tiwary, the learned
Advocate for the petitioners.

The judgment sought to be reviewed has been passed in a batch of LPA, the lead appeal being L.P.A. No. 1329 of 2013, wherein a Division Bench of this Court found that the original writ petitioners were not entitled to any category of priority in view of the Bihar Group 'D' (Recruitment & Service Conditions) Rules, 2009 and the Circular of the Govt. dated 29th June , 2011 which mandated that if an individual has been working on the daily wages against the vacant posts carrying the emoluments from the Government fund, he would be considered for appointment against such vacancy. The aforesaid Circular further accords the benefit to such persons who have put in 240 days of work in a calendar year. Some other benefits also were conferred.

In the afore-noted case, the writ petitioners / appellants did not fit in any one of the categories. The



petitioners herein were neither the writ petitioners before the learned Single Judge nor had preferred appeal against such order on the ground of their being adversely affected by the judgment of the Division Bench of this Court.

Mr. Tiwary, however, contends that after the Circular of 2011, which was the basis of passing the judgment by the Division Bench, there has been a change in the year 2012 where the experience as DDT Sprayer is to be given some priority.

The case of the review petitioner does not get diluted by the decision rendered in the L.P.A. No. 1329 of 2013, which is sought to be reviewed.

If the petitioner finds that for the reason of this judgment, he is not accorded any priority in matters of selection, it would only be appropriate for him to approach the higher authority to explain that the judgment was passed on the basis of Circular of 2011, which now stands changed.

There is no reason for this Court on this ground to review the order passed in the appeal.



The review petition stands disposed of
accordingly.

(Ashutosh Kumar, J)

(Harish Kumar, J)

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