

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.81 of 2021

In
Letters Patent Appeal No.497 of 2019

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Bishesa Rani Daughter of Sri Sita Ram Sah Resident of Mohallah- Bakaria
Tola, Maharajganj, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar at Patna
2. The director General of Police, Bihar at Patna
3. The Deputy Inspector General of Police (Admin.) Bihar at Patna
4. The Deputy Inspector General of Police, Bihar Military Police (Central Division), Patna
5. The Commandant, Bihar Military Police-14, Patna
6. The Superintendent of Police, Sitamarhi-cum-Chariman, Selection Committee Central Division Board No. 3

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate
For the Opposite Party/s : Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 22-06-2023

Heard learned counsels for the parties.

2. The present Civil Review petition is for reviewing the order dated 03.02.2021 passed in L.P.A. No. 497 of 2019.

3. Gist of the matter is that Review-petitioner was candidate for recruitment to the post of Constable, pursuant to Advertisement No. 2 of 2004. It is learnt that Review-petitioner was selected and appointed on 19.11.2007. Later on, concerned



authority stated to have noticed that such selection and appointment of Review-petitioner was contrary to material information. Thereafter, proceeded to terminate the service of Review-petitioner on 25.12.2007 and it was a subject-matter of C.W.J.C. No. 10272 of 2010 and it was disposed of in favour of the Review-petitioner on 13.09.2011 while setting aside the order of termination. The Review-petitioner was not taken back to duty resulted in filing MJC No. 45 of 2012. During pendency of MJC No. 45 of 2012, State-Respondent filed supplementary show cause along with documents. One of the document is relating to non-consideration of Review-petitioner's grievance on merit, stating that more merited persons have been selected and appointed. The petitioner is not one of the merited candidate so as to accommodate her. Such a decision was taken by the competent authority on 17.02.2012, resulted in dropping of MJC No. 45 of 2012.

4. Review-petitioner filed C.W.J.C. No. 19754 of 2015 in which he has prayed for following reliefs:-

"That this is an application for issuance of an appropriate writ, order or directions to the Respondents to reinstate her on the post of Lady Constable in Bihar Military Police 14 with effect from 20.12.2007 (Forenoon) and regularized her service from that date i.e. from 20.12.2007 on which date her



service has been cancelled illegally by the Respondents vide Memo No. 2574 (Office Order No. 1174 of 2007) dated 24.12.2007 and further to allow payments of salary with consequential benefits in accordance with Rules and further to pass any other Order to which the Petitioner found entitled."

In other words, Review-petitioner had not questioned the validity of decision of the respondent dated 17.02.2012. Thereafter, I.A. No. 3136 of 2018 was filed. However, at the time of disposal of C.W.J.C. No. 19754 of 2015 counsel who had appeared did not apprise this Court to consider I.A. No. 3136 of 2018 insofar as challenge to the decision of the official respondents.

5. In the light of these facts and circumstances, we find no infirmity in the order dated 03.02.2021 passed in L.P.A. No. 497 of 2019. Further, scope of review petition under Order 47 Rule I of C.P.C. is limited to the extent as to what is the error apparent on the face of the record. We find no such *prima facie* material information so as to entertain the civil review petition against the order dated 03.02.2021 passed in L.P.A. No. 497 of 2019. Moreover, petitioner had remedy of filing review petition in C.W.J.C. No. 19754 of 2015 in not considering I.A. No. 3136 of 2018. On the other hand, he has raised the same in filing L.P.A. No. 497 of 2019.



6. Accordingly, the present Civil Review petition stands dismissed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

rakhi/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	24.06.2023
Transmission Date	N.A.

