

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.145 of 2019

In
Civil Writ Jurisdiction Case No.23479 of 2012

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1. The State of Bihar, Through the Principal Secretary, General Administration Department, Old Secretariat Govt. of Bihar, Patna
 2. The Principal Secretary, General Administration Department, Old Secretariat Govt. of Bihar, Patna.
 3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
 4. The District Magistrate, West Champaran at Bettiah.
 5. The District Establishment, Deputy Collector, West Champaran, Bettiah.
 6. The Sub Divisional Officer, Sadar Bettiah, P.S. Bettiah, District- West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. Ram Dhyan Kushwaha Son of Late Banshi Kuswaha At present resident of village-Pipra Daula Kadam, P.S.-Ata, Dist-Dewaria.
2. Vidyanand Pandey Son of late Ramashish Pandey, Resident of Village-Barbat, Prasara in Betia, P.S.-Muffasil Bettiah, Dist-West Champaran.
3. Nawal Kishore Dubey Son of Sri Ram Sakal Dubey Resident of Village-Singachhapar, Lalgah, P.S. Muffasil Bettiah, Dist-West Champaran.
4. Madan Das Son of Late Gunraj Das Resident of Village-Bakharia, P.S.-Manjhaulia, Dist-West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P. K. Verma, AAG-3
		Mr. Sanjay Kumar Ghosarvey, AC to AAG-3
For the O.P. No.4	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 11-09-2023 Heard Mr. P. K. Verma, learned AAG-3 assisted by Mr. Sanjay Kumar Ghosarvey, learned counsel for the petitioners and Mr. Manoj Kumar, learned counsel for the opposite party no.4.

2. Learned AAG-3 has sought review of the judgment dated 03.08.2017 passed in CWJC No.23479 of 2012.

3. It is submitted that in paragraph '11' of the judgment the learned Writ Court has recorded that all four petitioners had



worked for 240 days prior to 11.12.1990 and fell in the first category as explained in the said decision. It is further submitted that so far as the decision in the case of Ashok Kumar Sharma and others Vs. The State of Bihar through the Chief Secretary and others, 2016 (1) PLJR 232 is concerned, the same has rightly been followed but the learned Writ Court has committed an error in saying that all four petitioners had worked for 240 days prior to 11.12.1990 and fell in the first category as explained in the said decision.

4. Learned counsel for the opposite party no.4 submits that on a bare perusal of paragraph '11' of the judgment under review it would appear that the learned Writ Court has directed the respondent-District Magistrate, West Champaran to consider the case of the petitioners in the light of the Division Bench judgment referred to above and having regard to Annexure B and Annexure F/1 to the counter affidavit and supplementary counter affidavit respectively, filed in this case.

5. Learned counsel submits that on a bare perusal of Annexure- 'F/1' to the supplementary counter affidavit it would appear that there is an admission in paragraph '2' with regard to the daily wagers who worked for 240 days prior to 11.12.1990. In paragraph '3' of Annexure- 'F/1' the name of all the four writ petitioners are mentioned and their last working day has also been



mentioned in the tabular chart.

6. It is further submitted that in M.J.C. No.26 of 2018, the opposite party nos.3 to 5 filed a supplementary show cause and from the statements made therein it would appear that the District Magistrate, West Champaran has absorbed all the writ petitioners vide Annexure- 'D' and 'E' i.e. memo no.346/Nazarat dated 25.08.2022 and memo no.347/Nazarat dated 26.08.2022 respectively. It is further submitted that in view of the aforementioned facts, no error apparent on the face of the record may be found in the judgment under review.

7. Having heard learned counsel for the parties, this Court finds that the learned Writ Court has recorded the fact in paragraph '11' of the judgment from Annexure- 'F/1' to the supplementary counter affidavit filed on behalf of the State. No error apparent on the face of the record may be found in the judgment under review.

8. This civil review application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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