

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.243 of 2016

Satish Kumar Ojha

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rabindra Prasad Singh, Advocate
For the State	:	Mr. Sunil Kumar Mandal, SC 3
		Ms. Neelam Kumari, AC to SC 3
		Ms. Bipin Kumar, AC to SC 3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

14 05-05-2023 Heard learned counsels for the respective parties.

2. The present Civil Review application is arising out of LPA No. 1830 of 2012 in CWJC No. 5089 of 2006 decided on 29.02.2016. The present review is filed on the sole ground that LPA Bench has considered extraneous material namely, Circular dated 27.03.1992 and it is submitted that scope of Bench is only to examine whether the order of the learned Single Judge is in order or not? Extract of the LPA Bench order reads as under:

“Learned counsel for the appellant has brought to our notice Circular dated 27th of March 1992 appended to the counter affidavit as Annexure-A in the writ petition to the effect that the weightage of previous experience could



be given only to the general category candidates who are more than 33 years of age. In respect of general category candidate of the age of 33 years is entitled to weightage of two marks. Admittedly, the writ petitioner was less than 33 years of age on the date fixed in the advertisement i.e. 01.11.1993 and, thus, was not entitled to any age based weightage. Still further, there could not be any direction to appoint the writ petitioner/respondent even if the writ petitioner/respondent is found entitled to weightage.

Therefore, we find neither the writ petitioner/respondent is entitled to age based weightage nor there could be any direction to appoint him.

In view of this, the order passed by the learned Single Judge is set aside and the writ petition is dismissed. The Letters patent Appeal is allowed.”

3. Perusal of the aforesaid findings that the LPA Bench has taken note of Circular dated 27.03.1992 to the extent that review applicant herein is not entitled to weightage of two marks which the learned Single Judge has not taken note of. In other words, 27.03.1992 Circular was existing as on the date of deciding the review applicant’s writ petition. By oversight the State – respondent in writ petition have not brought to the notice the Circular dated 27.03.1992, therefore, there is no infirmity in the LPA order insofar as taking note of Circular dated 27.03.1992 while denying relief to the review applicant. Hence, review applicant/writ petitioner has not made out a case so as to interfere with the order dated 29.02.2016 and recalling the order



passed in LPA No. 1830 of 2012 dated 29.02.2016.

4. Accordingly, C. Rev. 243 of 2016 stands rejected.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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