

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3616 of 2017

In
Letters Patent Appeal No.789 of 2016

=====

Ram Kumar Mishra

... .. Petitioner/s

Versus

The State Of Bihar Through Its Secretary, Namely Sri R. L. Chongthu,
Department Of Higher Education

... .. Opposite Party/s

=====

with
CIVIL REVIEW No. 20 of 2021

In
Letters Patent Appeal No.789 of 2016

=====

Ram Kumar Mishra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In Miscellaneous Jurisdiction Case No. 3616 of 2017)

For the Petitioner/s : Mr. Gopal Prasad Roy, Advocate

For the University : Mr. Anjani Kumar, Sr. Advocate
Smt. Rekha Prasad, Advocate

(In CIVIL REVIEW No. 20 of 2021)

For the Petitioner/s : Mr. Gopal Prasad Roy, Advocate

For the State : Mr. Shashi Shekhar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

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

10 11-09-2023

Re:- Civil Review No. 20 of 2021.

The present Civil Review No. 20 of 2021 has been
filed to recall the order dated 29.05.2020 passed in L.P.A. No.789
of 2016 arising out of C.W.J.C. No.15849 of 2011.

2. The present Civil Review application is not
maintainable on the ground of limitation so also, there is no
application for limitation.



3. We have noticed that there is an error committed by the Co-ordinate Bench in re-hearing L.P.A. No. 789 of 2016 after its disposal on 21.08.2017. It is necessary to reproduce the order dated 21.08.2017 passed in L.P.A. No. 789 of 2016 and it reads as under:-

“We are of the considered view that once in pursuance of the order passed by this Court, Annexure 5 dated 23.4.2008 in C.W.J.C. No.11417 of 2005 and after examining the claim of the petitioner in the light of the aforesaid order, when the Vice Chancellor of the University in question has passed the following order:

“The claim of the petitioner for the period before 30.04.1986, the date of taking over the College, is not admissible. Thereafter the period till 1996 is a matter subjudice with the vigilance enquiry and records are with them hence the said period is kept in abeyance. From 1997 till 2008 the admissible arrear salary, subject to verification and certification of the College, and submission of the claim by the College and subsequent release of the fund thereof from the State Government, may be admissible without interest. The College may be apprised of the facts and asked to submit the claim and upon receipt of the same that may be sent to the Government for release of fund. Accordingly, the representation is disposed of.”

The respondent State Government is duty bound to decide the claim of the petitioner with regard to admissible arrears of salary payable for the period 1997 till 2008 for which funds have to be provided by the State Government and amount paid.

Keeping in view the aforesaid, the University cannot



now take a plea contrary to the order passed by the Vice Chancellor on 16.3.2009. The order passed by the Vice Chancellor is binding both on the University and the State Government until and unless they have challenged it in accordance with. They having not done so, are bound to implement the order passed. The State Government cannot now say that because the papers are not available and they are seized in a Vigilance Case, they are unable to implement the order of the Vice Chancellor.

The State Government to procure the documents from the Vigilance Department and implement the order of the Vice Chancellor and submit a report to this Court within a period of four weeks.

With the aforesaid, the appeal stands disposed of.”

4. From perusal of the aforementioned order, it is evident that L.P.A. No. 789 of 2016 stands disposed of. However, there is no order to recall the order dated 21.08.2017 by either of the parties or *suo moto* by this Court. In this regard, it is necessary to reproduce day to day order-sheet after 21.08.2017 and it reads as under:-

“Order dated 19.12.2018.

As prayed for by Mr. Patanjali Rishi, learned AC to AAG-6, put up this matter on 23rd of January, 2019.

Order dated 23.01.2019.

Learned counsel for the appellant is permitted to add the Superintendent of Police, Vigilance, Bihar, Patna as party respondent No. 6 during the course of the day and serve a copy of the memo of appeal on the counsel for the Vigilance within a week.

Learned counsel for the State prays for adjournment to



bring on affidavit the specific documents which are required for implementation of the order of the Vice Chancellor but lying with the Vigilance Department.

As prayed for, list this matter on 13.02.2019.

In the meantime, let the counsel for Tilka Manjhi Bhagalpur University also file counter affidavit.

Order dated 13.02.2019.

Let the name of learned counsel representing the Department of Vigilance be printed in the daily cause list.

As prayed for by learned counsel for the University, Vigilance as well as the State of Bihar, list this matter on 06.03.2019.

In the meantime, the University will supply the list of documents within a week which it requires from the Vigilance and within ten days thereafter; the Vigilance will supply the required documents and one week thereafter, the University will comply the writ order.

Order dated 06.03.2019.

It is submitted by Mr. Asghar Mustafa, learned counsel for the Tilka Manjhi Bhagalpur University that the University has supplied the list of 18 documents to the Vigilance required for complying with the order dated 31.3.2016 passed in CWJC No. 15849 of 2011.

Though this Court vide order dated 13.02.2019 directed the University to transmit the list of required documents to the Vigilance within a week and the Vigilance was to supply the required documents within ten days thereafter; however, counsel for the Vigilance has no instruction in this regard.

In the circumstances, it is expected from the concerned Superintendent of Police (Vigilance) to file an affidavit with regard to the compliance of the Court's order dated 13.02.2019 particularly, with regard to supply of documents required by the University. The affidavit should also explain the reasons of not concluding the investigation and the time in which it will be concluded.

In the interest of justice this Court feels that the Principal of the TMB Law College, Bhagalpur should also file affidavit but we are not inclined to issue notice to him as it will delay the disposal of present proceeding. We expect the counsel for the University to intimate the Principal of TMB Law College, Bhagalpur in writing to file affidavit in spirit of the order under



contempt within a period of two weeks.

Let the matter come up on board on 27th of March, 2019.

Order dated 27.03.2019.

As jointly prayed for, let the matter come up on Board on 24th of April, 2019.

Let the counter affidavits dated 27.03.2019 filed on behalf of the respondent No. 6, S.P. Vigilance Investigation Bureau and the respondent Nos. 2, 3 and 4 be kept on record.

Order dated 19.06.2019.

The matter is being adjourned since long on the submissions made on behalf of Tilka Manjhi Bhagalpur University and TNB Law College, Bhagalpur that the order of the then Vice-Chancellor, dated 16.03.2009 as contained in Annexure-7 to the writ application, is not complied with and consequently the payment is not made to the appellant since the relevant document has been seized by the Vigilance Department.

Mr. Anjani Kumar, learned Senior counsel appearing for the Vigilance has filed an affidavit dated 27.03.2019 on behalf of the Vigilance to the effect that all the documents have been returned to the University on 28.03.2019 itself.

As prayed for by Mr. Shivendra Kishore, learned Senior counsel appearing for Tilka Manjhi Bhagalpur University for compliance of the order dated 16.3.2019 passed by the then Vice-Chancellor, as contained in Annexure-7 to the writ application, the list this matter on 3rd of July, 2019.

It is made clear that in case of non-compliance of the order, this Court will be constrained to direct for the personal appearance of the Vice Chancellor, the Finance Officer, the Registrar of the University as well as the Professor-in-Charge of the T.N.B. Law College, Bhagalpur.

Order dated 16.12.2019.

No one appears on behalf of the parties.

Let this appeal be placed under the same heading on 7.1.2020.

Order dated 13.01.2020.

Learned counsel appearing for the University concedes this fact that the Vigilance has returned documents to University



and the documents are lying with the University. However, learned counsel of the University seeks two weeks further time to trace out the relevant documents and to comply with the order of this court.

Let this appeal be listed under the same heading on 28.01.2020.

However, in the meantime, the University as well as State must comply with the order of this court.

Order dated 03.02.2020.

Learned counsel for the appellant makes a prayer for two weeks' time to file reply to the affidavit filed by the University.

Let this case be listed on 17.02.2020 retaining its position.

Order dated 17.02.2020.

Today, copy of rejoinder has been served by the counsel for the appellant to the learned counsel for the Principal, T.N.B. Law College, Bhagalpur as well as T.M.B. University.

The learned counsel for the T.M.B. University makes a prayer for two weeks time.

Let this case be listed after two weeks i.e. on 02.03.2020.

Order dated 06.03.2020.

Heard learned counsel for the appellant, learned counsel for the University, learned counsel for the College and learned counsel for the State.

Let this case be listed under the heading 'For Orders' on 23.03.2020.

Judgment dated 29.05.2020.

Heard learned counsel for the appellant and learned counsel for the respondents.

In the present case, the claim of the appellant is for payment of salary for the period from 08.09.1982 to 31.03.1984, 15.09.1986 to 06.10.1994, 08.07.1997 to 01.12.2001 and 21.08.2004 to till date.

The present appellant, before filing this appeal, had approached this Court earlier for the same relief in CWJC No 11417 of 2005 and this Court vide order dated 23.04.2008



directed the appellant to file a self-contained representation before the Vice-Chancellor of the University for deciding his claim of payment of salary for the period mentioned above. In case such a representation is filed by the petitioner, the Vice-Chancellor of the University will examine the same and would pass a reasoned order within a period of three months from the date of receipt/production of the copy of this order. It goes without saying that if the petitioner is found entitled for payment of the salary for the work done by him, the same will be paid to him as per the rate and in terms of contract of his engagement. If the Vice-Chancellor for the aforesaid purpose would require any document seized by the Since 19 Vigilance Department, he must be given a helping hand by the authorities of Vigilance Department, who would be under obligation to make such documents and/or its copies available to the Vice-Chancellor of Bhagalpur University. It is also made clear that in the event the petitioner is found entitled for payment of salary, the same must be paid to him within next three months either from the funds of the University or on its being sanctioned and released by the State Government. With the aforementioned observations and directions, this writ application is disposed of.

In pursuance of aforesaid direction, the appellant has filed his representation to the Vice-Chancellor and in turn the Vice-Chancellor of Tilka Manjhi Bhagalpur University vide order no.51/VCR/09 dated 16.03.2009 passed the following order :-

"The claim of the petitioner for the period before 30.04.1986, the date of taking over the College, is not admissible. Thereafter the period till 1996 is a matter sub-judice with the vigilance enquiry and records are with them hence the said period is kept in abeyance. From 1997 till 2008 the admissible arrear salary, subject to verification and certification of the College, and submission of the claim by the College and subsequent release of the fund thereof from the State Government, may be admissible without interest. The College may be apprised of the facts and asked to submit the claim and upon receipt of the same that may be sent to the Government for release of fund. Accordingly, the representation is disposed of".

From the pleadings of the writ petition, it appears that this order of Vice-Chancellor has not been impugned either in the writ application or in the appeal, but straightway the appellant has made a prayer for payment of salary, as aforesaid.



The claim of the appellant on or before 30.04.1986 and from 30.04.1986 to 1996 cannot be subject matter of present proceeding of the Writ Court or at the appellate stage, but only this Court has to examine about the entitlement of the claim of the salary by the appellant for the period from 1997 till 2008.

To understand this dispute, certain essential facts, as has been stated by the appellant in the pleading, has to be looked into.

As per his claim, he was engaged by the Secretary of College as Part Time Lecturer in TNB Law College, Bhagalpur on 08.09.1982 and started taking classes till 31.03.1984, whereafter, interview was conducted in the year 1984 and, accordingly, vide Letter No. S.O./25 dated 15.09.1986, he was appointed as Part Time Lecturer. The contents of letter dated 15.09.1986 are as follows:-

“With reference to your application for the post of a part time Lecturer in Law, you are appointed as a part time Lecturer in Law in place of Sri Maheshwari Prasad Singh, No.II, Advocate subject to the sanction of the post by the State Government”.

And that letter was approved by the Governing Body in its meeting dated 20.09.1986 as Agenda No. 3 (h). The then Principal vide letter dated 15.12.1997 has issued a certificate to the fact that he had worked for the period from 1982 to 1984 and also gave certificate that he was appointed as part time Lecturer and, accordingly, he had joined on 15.09.1986 and his appointment had been confirmed by the Governing Body on 20.09.1986 and also certified that he had performed the duty to the satisfaction of the students and recommended for payment.

As has been stated here-in-above, the appellant approached this Court and finally the same was disposed of and, in turn, the Vice Chancellor has also disposed of the representation, which is not required to be repeated again.

It appears from the records that this Court has passed the following order in the present appeal on 11.07.2017 :-

“That being so, we find that the contempt application was rightly disposed of directing the petitioner to take recourse under the remedy available either challenging the order of Vice-Chancellor or seeking its implementation, therefore, present writ petition as C.W.J.C. No. 15849 of 2011 was filed by the petitioner. The earlier writ petition bearing CWJC No. 11417 of 2005



filed by the petitioner was decided with a direction to the petitioner to file a representation before the Vice-Chancellor, who in turn would decide his claim. By order dated 07.07.2010 in MJC No. 326 of 2010 filed by the petitioner it has come to notice that Vice-Chancellor has decided the claim of petitioner, thus the order passed in the earlier writ petition is complied and said contempt application was disposed of. On the other hand, the present writ application bearing CWJC No. 15549 of 2011 has been filed to implement that order passed by the Vice-Chancellor, thus, we do not see how principle of res judicata is applicable in this case. Hence, the writ court has completely misguided itself and has not appreciated the fact in its right prospective. That being so, in stead of remanding the matter back for consideration to the writ court, we direct the University to show cause as to why the benefit accruing to the petitioner by virtue of order contained in Annexure-7 dated 16.3.2009 passed by the Vice-Chancellor of the University is not implemented. The University to show cause within two weeks. State also to file their counter affidavit indicating as to why adequate funds are not being released to the institute for payment to the petitioner. List after four weeks."

Whereafter, vide order dated 19.06.2019, this Court has passed the following order:-

"The matter is being adjourned since long on the submissions made on behalf of Tilka Manjhi Bhagalpur University and TNB Law College, Bhagalpur that the order of the then Vice-Chancellor, dated 16.03.2009 as contained in Annexure-7 to the writ application, is not complied with and consequently the payment is not made to the appellant since the relevant document has been seized by the Vigilance Department.

Mr. Anjani Kumar, learned Senior counsel appearing for the Vigilance has filed an affidavit dated 27.03.2019 on behalf of the Vigilance to the effect that all the documents have been returned to the University on 28.03.2019 itself.

As prayed for by Mr. Shivendra Kishore, learned Senior counsel appearing for Tilka Manjhi Bhagalpur University for compliance of the order dated 16.3.2019 passed by the then Vice-Chancellor, as contained in Annexure-7 to the writ application, the list this matter on



3rd of July, 2019.

It is made clear that in case of non- compliance of the order, this Court will be constrained to direct for the personal appearance of the Vice Chancellor, the Finance Officer, the Registrar of the University as well as the Professor-in-Charge of the T.N.B. Law College, Bhagalpur".

Against that, the Tilka Manjhi Bhagalpur University gainst that, the Tilk moved before the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No. 18198 of 2019 and the Hon'ble Supreme Court passed the following order :-

"This petition is directed against an order wherein it has been directed that in case of orders are not complied with, then the Court may direct the personal presence of the Vice Chancellor. We are not inclined to interfere in the order passed by the High Court. The Vice Chancellor is at liberty to approach the High Court for recall of this order. If and when the High Court actually directs the presence of the Vice Chancellor then the petitioner shall be at liberty to take such action as may be permissible under law.

The special leave petition stands disposed of".

Whereafter, it appears that various affidavits have been filed and the University has taken a stand of the records connected with this case are lying with the Vigilance Department. The State has also filed counter affidavit taking a stand that letters have been sent to the Vigilance Department vide letter no.1200 dated 04.10.2017 (Annexure-A to the supplementary counter affidavit filed on behalf of respondent no.1) and letter dated 23.10.2017 (Annexure-B to the supplementary counter affidavit of respondent no.1) whereby and whereunder a request was made to Vigilance Department to supply the records seized by it. The Vigilance Department after exchanging various letters, supplied the photocopy of the records which is apparently clear from the counter affidavit filed by the Vigilance Department dated 27.03.2019. The Professor-in-charge of T.N.B. Law College, Bhagalpur has also filed a counter affidavit in which the College Since 1916 has taken a stand in paragraph 7 that the appellant was appointed by the University Selection Committee in the year 2008 and since then, the appellant is being continuously paid his salary. It has been mentioned that after examination of relevant records, there was



nothing to suggest that the appellant was ever engaged to conduct the classes prior to 2008. It has further been stated that since the appellant had not performed any teaching work lawfully in the college prior to 2008, the appellant had no valid claim to be sent forward to the University. In paragraph 12, it has been stated that vide letter no. A/84 dated 03.04.2019, it has been intimated by the Professor-in-charge that no attendance register of the appellant could be traced in the office of the College and it has been requested to the University to issue notice to the former Principle, who had given certificate to the appellant for attending classes in the college and finally a stand has been taken by the College in paragraph 13 that in view of the direction contained in the reasoned order dated, 06.03.2019, it is humbly submitted that in absence of certification of service of the appellant prior to 2008, there is prima facie no due admissible claim of the appellant to be forwarded to the University.

But the letter no.09 dated 27.01.2020 (Annexure-5 to the supplementary counter affidavit of the University) reflects that a Since 1916 letter has been placed to the Special Secretary, Education Department, Government of Bihar, Patna requesting to release of salary of Rs.8,17,022/- (Eight lacs seventeen thousand and twenty two) attaching the copy of the calculation.

On the basis of this letter, the appellant submits that it is an admitted dues and a direction may be given to the State to release the fund with interest on the amount as per calculation made by the University and has claimed that it is undisputed amount which should be paid to him.

Per contra, counsel for the University submits that this letter was issued by the University on the threat of the contempt and it cannot be a basis for giving direction for payment of such an amount when the records itself is not available in the office and further claimed that the order passed by the Vice-Chancellor has not been challenged by the appellant, so to that extent, it has arrived to finality.

The payment can be made only on the basis that there is admitted fact, but the affidavit filed by the College where it has been stated that records are not available showing the work performed by the appellant, in such a situation, when the disputed question of facts have been raised in the writ proceeding, the Court Since in the disputed question of fact cannot be given direction for payment of the amount mentioned in the counter affidavit of University, but the fact that if he has discharged the duty, he must be paid salary.

Before parting with this judgment, it also appears from



the record that only 10 posts of part time Lecturer were sanctioned and the present appellant was appointed/engaged on the eleventh post of part time Lecturer, but of course may not create right for his continuation in service as he could have been appointed against only a sanctioned post which is not the subject matter of consideration before this Court. So this Court is not giving any final opinion on this matter. Nonetheless if the appellant has discharged the work and has attended the classes, certainly he is entitled to his salary for the period actually he has worked. The appellant has two options; one he may again file a representation before the Vice Chancellor of the University and the Vice Chancellor after examining the records submitted by the Vigilance Department and also attendance register maintained by the college finds that the appellant has worked for the period, certainly he is entitled to the salary for the work done by him and the second option is available to the appellant that he may file a suit before the competent court of civil jurisdiction. If the appellant files a suit, then the competent court of civil jurisdiction would decide the same on its own merit after examining the records and taking evidence from both sides.

With this observations and directions, this appeal stands disposed of.”

5. Perusal of the day to day order sheet in L.P.A. No. 789 of 2016 cited (supra), there is no application by either of the parties to review the order dated 21.08.2017 or *suo moto* this Court has not reviewed the order dated 21.08.2017 so as to continue the proceedings in disposed of L.P.A. No. 789 of 2016. Therefore, we are compelled to invoke our power to *suo moto* review the order dated 29.05.2020 passed in L.P.A. No. 789 of 2016 arising out of C.W.J.C. No. 15849 of 2011.

6. Reading of the above dates and events, it is crystal clear that the Co-ordinate Bench has committed error in proceeding with the L.P.A. No. 789 of 2016 after 21.08.2017,



i.e., the date of disposal of L.P.A. No. 789 of 2016, as if L.P.A. was pending. Such proceedings after 21.08.2017 is without authority of law. Therefore, order dated 29.05.2020 passed in L.P.A. No. 789 of 2016 arising out of C.W.J.C. No. 15849 of 2011 stands recalled. In effect, final order passed in L.P.A. No. 789 of 2016 dated 21.08.2017 holds good.

7. The respondents, if they are aggrieved by the order dated 21.08.2017, in such an event, they should have filed Civil Review application to recall the order dated 21.08.2017 and they slept over the matter. It is surprising to know that either of the parties or registry of this Court should have apprised the Co-ordinate Bench to the extent that L.P.A. No. 789 of 2016 was already disposed of on 21.08.2017, and thereafter, there was no question of further proceedings in L.P.A. No. 789 of 2016, as if it was pending consideration beyond 21.08.2017.

8. Civil Review application No. 20 of 2021 filed by Ram Kumar Mishra is not maintainable on the ground of delay in filing review application to recall the order dated 29.05.2020 passed in L.P.A. No. 789 of 2016. However, there is no application for condonation of delay in filing Civil Review application. On this score, Civil Review application No. 20 of 2021 stands dismissed.

9. Dismissal of Civil Review application No. 20 of



2021 would not be a hurdle for this Court to initiate *suo moto* review of the order dated 29.05.2020 passed in L.P.A. No. 789 of 2016, on the score that Co-ordinate Bench has committed error in not taking note of disposal of L.P.A. No. 789 of 2016 on 21.08.2017 and proceed to dispose of L.P.A. No. 789 of 2016 once again on 29.05.2020. As if L.P.A. No. 789 of 2016 was pending consideration as on 29.05.2020, it is necessary to take note of Section 151 of C.P.C. and it reads as under:-

“151. Saving of inherent powers of Court.—

Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.”

10. Similarly, Section 114 of C.P.C. reads as under:-

“114. Review.— Subject as aforesaid, any

person considering himself aggrieved —

(a) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred.

(b) by a decree or order from which no appeal is allowed by this Code, or

(c) by a decision on a reference from a Court of Small Causes, may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.”

11. Order XLVII of C.P.C. reads as under:-

REVIEW

“Application for review of judgment.—(1)

Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is



allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.”

12. Taking note of the factual aspects of the matter that Co-ordinate Bench in a disposed of L.P.A. No. 789 of 2016 on 21.08.2017 and proceeded to take up the matter and once again proceeded to decide the L.P.A. No. 789 of 2016 for the second time on 29.05.2020, in the absence of any judicial order insofar as recalling the order dated 21.08.2017 passed in the very same L.P.A. No. 789 of 2016. Therefore, the Court may re-open its judgment after a manifest wrong has been done, since the Court has an inherent power to review the judgment or order passed previously. It is necessary to pass an order to do full and effective justice. The power of review of its own judgment is conferred on the Court under Section 114 and order XLVII read with Section 151 of C.P.C. The objective behind this power is to ensure



justice. In other words, law has to bend before justice.

13. In view of these material information, order dated 29.05.2020 passed in L.P.A. No. 789 of 2016 stands recalled while upholding the earlier order dated 21.08.2017 passed in L.P.A. No. 789 of 2016. Hence, the *suo moto* review by this Court stands allowed.

14. At this stage, learned counsel for the Civil Review petitioner submitted that the order dated 29.05.2020 should have been sought for recalling within 30 days, however, due to Covid-19 was in vogue and time to time Courts have passed standard operating procedure and finally, Apex Court passed order in respect of limitation issue is concerned and therefore, delay would not be a hurdle. However, the same contentions have not been taken in writing like filing of formal I.A. for condonation of delay in filing Civil Review, so as to apprise dates and events read with the Apex Court's order. Accordingly, on the technicality that in the absence of I.A. for condonation of delay in filing Civil Review, the review petitioner has not made out a case.

15. Be that as it may, this Court has already taken a *suo moto* review while recalling the order passed in L.P.A. No. 789 of 2016 dated 29.05.2020, therefore, rejection of a Civil Review petition would not affect the right of the review



petitioner.

Re:- M.J.C. No. 3616 of 2017.

16. In view of disposal of the Civil Review Petition No. 20 of 2021, learned State counsel seeks time to get instructions insofar as the implementation of the orders of this Court dated 21.08.2017 passed in L.P.A. No. 789 of 2016. The respondent universities are hereby directed to apprise the State Government insofar as implementation of the orders of this Court dated 21.08.2017 in writing before the next date of hearing.

17. Re-list this matter on 09.10.2023, as a last chance.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

shoaib/-

U			
---	--	--	--

