

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.37 of 2024

In
Letters Patent Appeal No.723 of 2021

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| <div style="display: flex; flex-direction: column; gap: 5px;"><div>1. Veer Kunwar Singh University Ara through its Registrar.</div><div>2. Vice Chancellor, Veer Kunwar Singh University, Ara.</div><div>3. The Registrar, Veer Kunwar Singh University, Ara.</div></div> | <div>... .. Petitioner/s</div> <div>Versus</div> <div style="display: flex; flex-direction: column; gap: 5px;"><div>1. Santosh Kumar Singh, Son of Late Shri Krishna Prasad Singh, Resident of Nahar Area, Civil Line, Buxar.</div><div>2. Bijay Bahadur Singh, Son of Late Ramjee Singh, Resident of Village Mathila, P.S.- Koransarai, District - Buxar.</div><div>3. Lal Bachan Singh, Son of Late Sheo Muret Singh, Resident of Village Dubaluli, P.S. - Buxar, District - Buxar.</div><div>4. Ajit Kumar Choubey, Son of Shri Sudarshan Choubey, Hospital Road, Civil Line, P.O. P.S.- District Buxar.</div><div>5. Ayodhya Singh, Son of Late Haridwar Singh, Bandhan Tola Ara, P.O. - Ara, P.S. - Nawada, Ara, District - Bhojpur.</div><div>6. The State of Bihar.</div><div>7. The Principal Secretary, Human Resources Department, Govt. of Bihar, New Secretariat, Patna.</div><div>8. The Director, Higher Education, Government of Bihar, Patna.</div></div> |
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- Opposite Party/s
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Appearance :

For the Petitioner/s :	Mr. Rajesh Prasad Choudhary, Advocate
For the Opposite Party/s :	Mr. Government Pleader 2

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

Date : 26-04-2024

Re:- I. A. No. 1 of 2024.

The instant interlocutory application has been filed for condonation of delay of about 245 days in filing the present civil review petition. The reason assigned for the condonation of delay is stated in paragraph no. 4 of the instant interlocutory



application, which reads as under:-.

“That the order under review was passed on 13.04.2023 and pronounced on 20.04.2023. Thereafter in compliance of the order under review order of reinstatement was passed by the University on 27.04.2024. As per the direction of this Hon’ble Court by the order under review the University made correspondence with the State Govt. for resolving the issue. It was being said by the State that State is going to file S.L.P. against the order. On 15.12.2023 this Hon’ble Court in M.J.C. No. 2589 of 2023 has been pleased to observe that the University had two fold remedy, on is in filing Civil Review Petition against the L.P.A. order or filing litigation before the Apex Court. Till date they have not exhausted such remedy, therefore, they are bound by the orders of this Court. Thereafter the authorities of the University again contacted the State Govt. By the letter dated 27.12.2023 the Director, Higher Education informed the Registrar of the University that State Govt. has decided to file S.L.P. before Hon’ble Supreme Court against the order passed in L.P.A.(S). Therefore, the University took decision to file Civil Review Petition for review/modification/clarification of the order under review. It is submitted that there is no deliberate and willful latches in filing Civil Review, as such present petition for condonation of delay is fit to be allowed”

2. The review petitioner-University proceeded to



implement the orders of this Court dated 16.09.2019 passed in CWJC No.12657 of 2017 read with order dated 13.04.2023 passed in LPA No. 1467 of 2019. As is evident from the cited paragraph no.4, the review petitioner-University has at one point of time realized that State Government is likely to refuse the demand made by the University and at that stage only, the University thought of filing civil review petition. In other words, the civil review petitioner-University is a fence-sitter and the University was waiting for the decision of the State Government in respect of releasing certain funds insofar as implementation of this Court's orders are concerned. Therefore, the interlocutory application has been filed for condonation of delay of about 245 days.

3. Accordingly, I.A. No. 1 of 2024 for condonation of delay of about 245 days stands allowed for the reasons that certain cause has been shown insofar as delay in filing of the present civil review petition.

Re:- Civil Review No. 37 of 2024

4. The review petitioners' counsel could not apprise this Court that what is error committed by this Court in the order dated 13.04.2023 passed in LPA No. 1467 of 2019. On the other hand, he has pointed out paragraph nos. 8 and 9 of the order



dated 13.04.2023 passed in LPA No. 1467 of 2019 to the extent of financial benefits shall be calculated and disbursed by the University. So far as the directions of this Court that financial benefits shall be calculated and disbursed by the University insofar as in service candidates (if any arrears were required to be paid) is concerned, are in the guise of observation made by this Court in paragraph nos.8. Therefore, there is no error committed by this Court so as to review our order dated 13.04.2023 passed in LPA No. 1467 of 2019 and to recall the same insofar as paragraph nos. 8 and 9 are concerned.

5. The Hon'ble Supreme Court in the case of ***Sanjay Kumar Agarwal vs. State Tax Officer (1) & Anr.*** reported in ***2023 SCCOnLine SC 1406*** formulated guidelines under what circumstances review petition can be entertained by the Court with reference to Order 47 Rule 1 of Code of Civil Procedure and laid down the following principles in paragraph no.16 of the said decision, which read as under:-

“16. The gist of the afore-stated decision is that:-

(i) A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

(ii) A judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

(iii) An error which is not self-evident and has to be detected by a process of reasoning, can hardly be



said to be an error apparent on the face of record justifying the court to exercise its power of review.

(iv) In exercise of the jurisdiction under Order 47 Rule 1 CPC, it is not permissible for an erroneous decision to be “reheard and corrected.”

(v) A Review Petition has a limited purpose and cannot be allowed to be “an appeal in disguise.”

(vi) Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

(vii) An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(viii) Even the change in law or subsequent decision/judgment of a co-ordinate or larger Bench by itself cannot be regarded as a ground for review.”

6. The principle laid down by the Hon’ble Supreme Court in the case of **Sanjay Kumar Agarwal** (supra) and the fact that there is no error apparent on the face of the record so as to recall the order dated 13.04.2023 passed in LPA No. 1467 of 2019 insofar as paragraph nos. 8 and 9 are concerned, hence, the review petitioner has not made out a case.

7. Accordingly, the instant review petition stands dismissed.

8. At this stage, learned counsel for the University cited Section 46 of the Bihar State Universities Act, 1976. Section 46 reads as under:-

“46. Contribution by Government to the University.-

(1) The State Government shall contribute annually to the University fund a recurring grant out of the



Consolidated Fund of the State which shall include all expenses of recurring nature. (2) The State Government shall calculate the amount of annual recurring grant consultation with the Vice-Chancellor and the amount may be revised at the expiry of a period of every five years.
(3) The State Government may, from time to time, contribute such additional grants to the University funds, as it may deem fit having regard to the need of expansion and development of the University or the College.”

9. The state is bound by the aforementioned provisions only if the University’s actions are in accordance with law. In this regard, the University is at liberty to apprise the State Government that whatever the action taken by the University is in accordance with law so as to claim necessary funds from the State Government.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Balmukund/-
Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.04.2024
Transmission Date	NA

