

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.19 of 2022

In
Civil Writ Jurisdiction Case No.2454 of 2018

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Niraj Kumar Verma, Son of Late Manohar Prasad Verma, Resident of Mohalla
- Chankyapuri Colony, House No.- MIG - 59, Police Station - Rampur,
District - Gaya, Also resides at Kasi Nath Colony, House of Rama Shankar
Sharma, Katari Hill Road, Gaya Presently posted as Deputy Project Director,
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Special Secretary - Cum - Nodal Officer (ATMA), Department of Agriculture, Government of Bihar, Patna.
4. The Agricultural Production Commissioner (APC) Department of Agriculture, Government of Bihar, Patna.
5. The Director, Department of Agriculture, Government of Bihar, Patna.
6. The Bihar Public Service Commission, through its Chairman, Bailey Road, Patna.
7. The Chairman, Bihar Public Service Commission Bailey Road, Patna.
8. The Secretary, Bihar Public Service Commission Bailey Road, Patna.
9. Rakesh Kumar, S/o Late Lalit Bhanu Singh resident of Mohalla MIG-205 Kankarbagh, P.s. Kankarbagh, Distt and Town Patna, at present posted as Dy. Project Director ATMA Jehanabad.
10. Kali Kant Chaudhary, S/o Narayan Chaudhary, Resident of Mohalla Refujee Colony Ward No. 4, P.S. Distt Sharsha, at present posted as Dy. Project Director ATMA Siwan.
11. Gangesh Kumar Chaudhary, S/o Sri Raghu Nandan Chaudhary, resident of Village Jhakhara, P.S. Sarairanjan Distt Samastipur, at present posted as Dy. Project Director ATMA Samastipur.



- 12. Shamsheer Alam son of Wali Mohammad resident of Village-Lakhno, P.S. Chakand, Distt Gaya, at present working as Dy. Project Director ATMA Saran.
- 13. Binod Kumar Singh, son of Sri Fagendra Singh, resident of Village Chouki, P.S. Sahebpurkamal, Distt. Begusarai, at present posted as Dy. Project Director Muzaffarpur.
- 14. Brijendra Mani, son of Late Rambriksh Chaudhary, resident of Village-Ghusia Khurd, P.S. Bikramganj, Distt. Rohtash, at present posted as Dy. Project Director ATMA Patna.
- 15. Hari Mohan Mishra, S/o Late Ramoudhar Mishra, resident of Mohalla-Vasant Vihar, Koshi Colony, Behind Tobacoo Factory, Near New Era Public School, P.S. K. Hat, Distt-Purnea, at present posted as Dy. Project Director ATMA Purnea.
- 16. Ajeet Kumar son of Ram Rekha Singh, resident of Village-Sihma, P.S. Matihani, Distt Begusarai, at present posted as Dy. Project Director ATMA Begusarai.
- 17. Shashi Kant Jha, son of Sri Vishwnath Jha, resident of Village-Sirsa, P.S.Muffasil, Distt Katihar, at present posted as Dy. Project Director ATMA Katihar.
- 18. Rana Rajeev Ranjan Kumar, son of Sri Ram Kewal Singh, resident of Mohalla Ashok Nagar, P.S. Rampur, Distt Gaya, at present posted as Dy. Project Director ATMA Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar, Advocate
For the Opposite Party/s : Mr. Pawan Kumar, AC to AG
For the BPSC : Ms. Prachi Pallavi, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

5 26-07-2024 The present Civil Review insofar as recalling the



order dated 11.01.2022 passed in C.W.J.C No. 2454 of 2018 has been filed to clarify the order dated 07.10.2021 which has been extracted in the order dated 11.01.2022 to the extent that this Court made an observation on 07.10.2021. The relevant portion is as under :

“.....who are to superannuate at the age of 60 years, would be allowed to continue on the same post and status”.

2. The review petitioner has not sought for recalling the order dated 07.10.2021 and it is intact and it has merged with the order dated 11.01.2022 passed in C.W.J.C No. 2454 of 2018. Question of clarification in the guise of reviewing/recalling the order dated 11.01.2022 passed in C.W.J.C No. 2454 of 2018 is not warranted for the reasons that the review petitioner should have sought clarification during the pendency of C.W.J.C No. 2454 of 2018 before 11.01.2022 insofar as seeking clarification of order dated 07.10.2021.

3. Learned counsel for the petitioner submitted that the respondents have violated the order dated 07.10.2021 in not maintaining status in the light of observation made by the coordinate Bench to the extent that upto 11.01.2022 the petitioner who was holding the post of a Deputy Project



Director was extended pay scale attached to the post even though his appointment was on contract basis. The same was required to be continued. On the other hand, after disposal of C.W.J.C No. 2454 of 2018 the respondents are paying consolidated amount, in other words, they have altered the service condition of the review petitioner. The same cannot be examined in the present civil review for the reason that scope of review petition under Order 47 Rule 1 of the Code of Civil Procedure is limited. In this regard, the Hon'ble Supreme Court in the case of ***Sanjay Kumar Agarwal v. State Tax Officer (1) & Anr.*** reported in ***2023 SCC OnLine SC 1406*** Supreme Court lays down eight principles in Para 16 which reads as under:-

“16. The gist of the afore-stated decisions 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.”

4. In yet another decision in the case of **Arun Dev Upadhyaya vs. Integrated Sales Service Ltd., & Anr.**, reported in **(2023) 8 SCC 11** elaborately considered Section 114, Order 47 and Rule 1 of CPC, resultantly Civil Review Petitioner has not made out case.

5. Accordingly, the present civil review petition stands dismissed reserving liberty to the review petitioner to



invoke appropriate remedy.

6. Writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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