

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.54 of 2023

In
Letters Patent Appeal No.1556 of 2018

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1. The State of Bihar through Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Higher Education, Government of Bihar, Patna.
 3. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.

... .. Petitioner/s

Versus

1. The Magadh University through its Vice Chancellor, Bodh Gaya.
2. The Vice Chancellor, Magadh University, Bodh Gaya.
3. The Registrar, Magadh University, Bodh Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya.
5. Akhilanand Singh, Son of Late Binda Singh Resident of Village Kobil, P.O.- Kobil, P.S.- Islampur, District- Nalanda.
6. Kumar Kanhaiya Jee, Son of Shyam Kishore Singh Resident of house no. 06, behind Shiv Temple Mahatma Gandhi Nagar, P.O. and P.S. Kankarbagh, Dist.- Patna.
7. Upendra Kumar Singh, Son of Late Suraj Deo Singh Resident of Lal Kothi Compound, Near Civil Police Line, Dist.- Gaya.
8. Vivek Mohan, Son of Late Anand Mohan Sharma Resident of Village-Sherthua, P.O.- Sherthua, Dist.- Jehanabad.
9. Vibha Sinha, Wife of Late Shailendra Rai Resident of Vijay Nagar, Near Water Tank, P.O. and P.S.- Kankarbagh, Dist.- Patna.
10. Rameshwar Sharma, Son of Late Parma Rai Resident of Village and P.O.- Dhanchhuha, P.S.- Chorry, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kumar Singh, AAG
For the Respondents	:	Mr. Sanjay Kumar Giri, Sr. Advocate
		Mr. S.K. Giri, Advocate
For the Pvt. Res.		Mr. Saroj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

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

Date : 13-03-2024

The present civil review petition has been filed



to recall the order dated 26.09.2022 passed in L.P.A No. 1556 of 2018 and connected matters.

2. Learned counsel for the State submitted that ultimately State's right would be affected in the guise of the implementation of the order of the learned Single Judge. In this regard, he has pointed out paragraph 43 passed in CWJC No. 17670 of 2017 decided on 17.07.2018, it is necessary to reproduce paragraph 43, it reads as under:

“It goes without saying that once the University takes favourable decision on the claim of the respective teaching and non-teaching employees, the University will work out the entitlement and request the State Government for grant of additional fund so that the consequential monetary benefit may be extended to the petitioners”.

4. State-appellant- Review Petitioners have no cause of action to file the present LPA since there is no specific direction to the State, on the other hand direction is only to the University. University was required to examine that the respondents are entitled to absorption followed by service condition read with monetary benefits. The State-review petitioner role will commence only as and when University



determined service condition of the absorbees and thereafter, financial implications. In other words, the State role has not commenced. The University was required to examine the service conditions of the respective respondents read with the policy decision and judicial pronouncement, if any, in so far as the absorption of the respondents in the University with the particular date read with each of the service particulars of the respondent. Thereafter, in the event of University granting any relief to the respective respondent, in that event the State has to provide fund. In the event of University favouring the respondents in so far as absorption is concerned, in that event, financial implication is required to be resolved by the State and the University. Therefore, whatever, the contention urged by the civil review petitioner-the State is a speculation and premature. Further, for the purpose of entertaining civil review petition scope of Order 47 Rule 1 is required to be taken note of, the judgment of Hon'ble Supreme Court in the case of **Sanjan Kumar Agarwal Vs. State Tax Officer (1) & Anr.** reported in **2023 SCC Online SC 1406** have laid down eight principles for the purpose of entertaining civil review petition. The civil review petition have not made out any ground to interfere in so far as recalling the order passed in L.P.A. No. 1556 of 2018.



5. Accordingly, the present civil review petition
stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Ravi-Jagdish/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.03.2024
Transmission Date	

