

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.126 of 2024

In
Letters Patent Appeal No.130 of 2018

Pratima Kumari, Wife of Sri Binod Sah, Resident of Barahari, P.O.- Barahari,
P.S.- Kargahar, Nokha, Rohtas, District- Rohtas.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Secretariat, Patna.
2. The Director, Integrated Child Development Scheme, Indra Bhawan, Boring Canal Road, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The District Programme Officer, Rohtas at Sasaram.
6. The Child Development Project Officer, Kargahar, District- Rohtas.
7. The Mukhiya Barhari Gram Panchayat, Block and P.S.- Kargahar, District- Rohtas.
8. The Secretary (Panchayat Sewak) Barhari Gram Panchayat, P.S.- Kargahar, District- Rohtas.
9. Suman Kumari @ Suman Devi wife of Shri Ishwar Chandra Sah, Resident of Village- Sawan Bahar, P.S. and Block- Kargahar, District- Rohtas.
10. Anjana Kumari wife of Shri Rajesh Rai Resident of Village- Khairhi, Panchayat- Barhari, P.S.- Kargahar, District- Rohtas.

... .. Opposite Parties.

Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate.
For the Opposite Parties : Mr. Government Advocate- 7.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 25-04-2024

In the instant Civil Review Petition, the
petitioner-Pratima Kumari has sought for recalling the order
dated 25.04.2019 passed in L.P.A. No.130 of 2018.



2. Petitioner-Pratima Kumari was selected and appointed to the post of Anganwari Sewika at East Barhari Centre. On the other hand, one Suman Kumari @ Suman Devi and Anjana Kumari, were claiming for the post of Anganwari Sewika at East Barhari Centre.

3. The learned Single Judge while deciding C.W.J.C. No.10660 of 2014 on 13.12.2017 and Coordinate Bench while deciding L.P.A. No.130 of 2018 on 25.04.2019 have not noticed that petitioner Pratima Kumari was already working in the Anganwari Centre at East Barhari. Even the official respondents have not apprised before the learned Single Judge and Coordinate Bench to the extent that in the event of allowing the aforementioned cases, right of the petitioner-Pratima Kumari would be affected. In other words, she would be displaced from the post held by her.

4. Be that as it may, the official respondents could have filed Civil Review in recalling the order dated 25.04.2019 passed in L.P.A. No.130 of 2018 before passing the order dated 22.12.2023 vide Annexure-5.

5. The petitioner-Pratima Kumari is not arrayed as a party to the C.W.J.C.10660 of 2014 and L.P.A. No.130 of 2018. Therefore, the present Civil Review Petition is not



maintainable. At the best, she is entitled to file a fresh writ petition and such writ petition is required to be heard by Division Bench insofar as correctness of the order dated 25.04.2019 passed in L.P.A. No.130 of 2018 in the light of the decision of the Hon'ble Supreme Court in the case of **Shivdeo Singh and Ors. Vs. State of Punjab and Ors.** reported in **AIR 1963 SC 1909**. It is necessary to reproduce paragraph-8 of the said Judgment and it reads as under:

“8. The other contention of Mr. Gopal Singh pertains to the second order of Khosla, J., which in effect, reviews his prior order. Learned counsel contends that Art. 226 of the Constitution does not confer any power on the High Court to review its own order and therefore, the second order of Khosla, J., was without jurisdiction. It is sufficient to say that there is nothing in Art. 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. Here the previous order of Khosla, J., affected the interests of persons who were not made parties to the proceeding before him. It was at their instance and for giving them a hearing that Khosla, J., entertained the second petition. In doing so, he merely did what the principles of natural justice required him to do. It is said that the respondents before us had no right to apply for review because they were not parties to the previous proceedings. As we have already pointed out, it is precisely because they were not made parties to the previous proceedings,



though their interests were sought to be affected by the decision of the High Court, that the second application was entertained by Khosla, J.”

6. In the light of these facts and circumstances, the present Civil Review Petition stands disposed of as not maintainable reserving liberty to the petitioner to file a fresh writ petition insofar as questioning the order dated 22.12.2023 vide Annexure-5 and so also in recalling the order passed in L.P.A. No.130 of 2018 decided on 25.04.2019. If such prayer is made, the jurisdictional Court will decide the writ petition in the light of the observation made by the Hon’ble Supreme Court in the **cited decision**.

7. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2024.
Transmission Date	NA

