

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.135 of 2021**

**In**  
**Letters Patent Appeal No.680 of 2019**

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Sanjay Kumar, Son of Mahadeo Das, Resident of Village-Nazari, P.O. and  
P.S.-Laxmipur, District-Jamui.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The District Education Officer, Jamui, District-Jamui.
5. The District Programme Officer, Establishment, Jamui.
6. The District Teachers Appointment Appellate Authority, Jamui.
7. The Block Education Officer, Laxmipur, District-Jamui.
8. The Mukhia-Cum-Chairman, Panchayat Teachers Selection Committee, Gram Panchayat Raj, Nazari, Block.
9. The Panchayat Secretary, Gram Panchayat Raj, Nazari, Block. Laxmipur, District-Jamui.
10. Shambhu Sharan Das, S/o-Baldeo Ravidas, Resident of Mohanpur, P.O.-Matia, Block-Laxmipur, Distt- Jamui, Presently appointed as Panchayat Teacher in Primary School, Jogia, Block-Laxmipur, Dist- Jamui.
11. The State Appellate Authority, Bihar, Patna.

... .. Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Niranjan Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar, AC to AG

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE RAMESH CHAND**  
**MALVIYA**

**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 09-02-2024**



The present Civil Review has been filed to recall the order dated 10.02.2021 passed in L.P.A. No. 680 of 2019.

2. In brief, matter is relating to appointment of Panchayat Teacher. One of the post is reserved for scheduled caste in Gram Panchayat Raj Nazari, Block-Laxmipur, District-Jamui. Whereas the review petitioner, after sleeping over for a period of eight years, for the first time he has invoked remedy insofar as non-selection and appointment of Respondent No.10. The same has been taken note of by the L.P.A. Bench and it reads as under:

*“Learned Single Judge has held that process of selection started in the year 2008 and got concluded on 14.08.2008 and Appellant approached the District Appellate Authority, in the year 2016 challenging the appointment of selected candidate (respondent no.10) as well as preventing him to participate in the counselling, as such there was inordinate delay by the Appellant in approaching the Authority whereas appeal is to be filed within 30 days, and as such, the District Appellate Authority, dismissed the case of Appellant and on appeal before the State Appellate*



*Authority, Patna, same was dismissed on merits as well as on account of delay and latches.”*

3. That apart, the present matter is relating to Civil Review. Scope of Civil Review has been analyzed by the Hon’ble Supreme Court in a recent decision ***S.Murali Sundaram vs. Jothibai Kannan & Ors.*** reported in **2023 SCC OnLine SC 185** elaborately considered under what circumstances Courts can review its own order. Recently in yet another decision 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 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. We have noticed there is a delay of eight years in filing C.W.J.C. There is no explanation on the issue of delay & laches. On this point also Hon’ble Supreme Court held the writ Court cannot sidetrack the delay in the case of ***Delhi Development Authority vs. Hello Home Education Society*** reported in AIR **2024 SC 564**. Therefore, C.W.J.C. itself is not



maintainable on the ground of delay.

5. Having regard to the principle laid down by the Hon’ble Supreme Court in the aforementioned decisions, the present Civil Review petition does not merit consideration. Accordingly, the present Civil Review petition stands dismissed.

**(P. B. Bajanthri, J)**

**( Ramesh Chand Malviya, J)**

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