

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.219 of 2019

In
Letters Patent Appeal No.398 of 2018

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Pamala Kumari, Wife of Dhirendra Kumar @ Dhirendra Kumar Singh,
Resident of Ayodhya Enclave, Flat No. 303, DVC, Colony Road, Yarpur,
Police Station Gardanibagh, District Patna.

... .. Petitioner/s

Versus

1. The High Court of Judicature at Patna Through the Registrar General.
2. The Registrar General High Court of Judicature at Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
		Mr. Arvind Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 02-02-2024

Re. I. A. No. 1 of 2019

1. The present interlocutory application has been filed
for condonation of delay of 59 days.

2. For the reasons stated in the application, the delay
in filing this review application is condoned.

3. I. A. No. 1 of 2019 stands allowed.

Re. Civil Review No. 219 of 2019

4. Heard Mr. Dinu Kumar, learned counsel for the
petitioner and Mr. Piyush Lall, learned counsel for the



Establishment of the High Court of Judicature at Patna (opposite party).

5. This application has been filed seeking review of the order dated 3.4.2019 passed by the Hon'ble Division Bench of this Court in LPA No. 398 of 2018 arising out of CWJC No. 4837 of 2016. By the order under review, the Hon'ble Division Bench of this Court has dismissed the LPA.

6. The writ petition was filed giving rise to CWJC No. 4837 of 2016 for quashing of the letter dated 15.01.2016 as contained in Memo No. 2995/Accounts issued by the Registrar General of this Court by which the joining of the petitioner to the post of Personal Assistant was declined on the ground that the petitioner did not possess the required eligibility. The petitioner prayed for a Mandamus directing the Registrar General of this Court to accept her joining to the said post w.e.f. 24.11.2015 and to give all consequential benefits.

7. Since the writ application was dismissed vide judgment dated 28.02.2018, the LPA was preferred.

8. Learned counsel for the review petitioner has taken this Court through the judgment dated 03.04.2019, review of which has been sought before this Court. Attention has been drawn towards paragraph '5' of the judgment wherein the



submissions of learned counsel for the High Court has been taken note of in the following words :-

“5. Replying to the aforesaid submission, Shri Mrigank Mauli submits that so far as relaxation is concerned, the same is not the purport of the Government resolution on which reliance has been placed, inasmuch as, it prescribes the maximum age limits of all categories. This resolution had not been adopted as on the date of the advertisement and the maximum age limit of 35 years was existing in the Patna High Court Officers and Staff (Conditions of Service & Conduct) Rules, 1997.”

9. Learned counsel further submits that the Letters Patent Appeal was, however, dismissed by this Court on the understanding that two persons who were given relaxation in the age belong to the reserved category whereas this review petitioner comes from general category. In this regard, the observations of this Court as contained in paragraph ‘8’ of the judgment have been referred to which is being reproduced hereunder :-

“8. We have considered the submissions and there is yet another submission made that three candidates who had applied against the said advertisement were extended the benefit of relaxation whose names had been disclosed in Paragraph 2 of the affidavit filed



today. It is not disputed by the learned counsel for the appellant that those three persons are of the reserved category and not of the general category.”

10. Learned counsel submits that after the judgment of this Court, the review petitioner came to know that those two candidates who were given benefit of relaxation in age also belong to the general category, therefore, the submission is that the judgment of this Court suffers from error of record.

11. Mr. Piyush Lall, learned counsel for the opposite parties submits that in fact in the Letters Patent Appeal, the opposite parties had taken a stand as regards the provisions for relaxation in age which may be found in paragraph ‘5’ of the judgment. It is categorically recorded therein that so far as the relaxation is concerned, the same is not the purport of the Government resolution, inasmuch as, it prescribes the maximum age limits of all categories. The order further observes that this resolution had not been adopted as on the date of advertisement and the maximum age limit of 35 years was existing in the Patna High Court Officers and Staff (Conditions of Service & Conduct) Rules, 1997.

12. Learned counsel has further placed before this Court the document on which Mr. Dinu Kumar has placed



reliance and the same has been brought on record with the supplementary affidavit filed on behalf of the petitioner as Annexure '4'. It is submitted that when the petitioner made an application under Right to Information Act seeking certain information, the same was provided to the petitioner. While giving information with regard to Item No. 3, the opposite parties have informed the petitioner as under :-

“Item No.3: Three candidates from general category were given relaxation in maximum age of 35 years on account of earlier employment.”

13. Learned counsel submits that the aforesaid information is in consonance with the stand taken by the opposite parties which are reflected in paragraph '2' of the affidavit filed by the petitioner in the Letters Patent Appeal as under :-

“That, the relaxation as indicated in the advertisement has been granted to other candidates, namely, Sri Rajeev Kumar Sinha, Sri Amit Kumar and Sri Ajay Kumar on the ground of working in the government establishment and they have been presently working as Personal Assistants in the establishment of Patna High Court but, at the same time, the appellant, who has been working in the office of Advocate General, Bihar, Patna and certificate to that effect



was also issued, has not been granted relaxation of the age for the working period in the office of Advocate General, State of Bihar.”

14. It is, thus, submitted that the observations of the Hon’ble Division Bench as contained in paragraph ‘8’ of the judgment is only indicating that it was by way of submissions made at the Bar and the same has been incorporated. That observation does not form part of the record.

15. Having regard to the aforementioned submissions and materials noticed on the record, we find no error in the judgment under review.

16. This review application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

(Partha Sarthy, J)

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