

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.40 of 2024

In
Civil Writ Jurisdiction Case No.8666 of 2016

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Daizy Singh @ Dazy Singh wife of Bipin Kumar Singh, resident of village-
Dumariya, P.O.- Laxmipur, Chairaiya, P.S- Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department,
Govt. Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. Bihar, Patna.
3. The Director, Social Welfare Department, Govt.of Bihar, Patna.
4. The Divisional Commissioner, Bhagalpur Division, District- Bhagalpur.
5. The District Magistrate, Banka, District- Banka.
6. The District Programme Officer, Banka, District- Banka.
7. The Child Development Project Officer, Amarpur, District- Banka.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Gyan Prakash Ojha, Government Advocate-7

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 19-03-2025

Heard Mr. Bipin Kumar, learned counsel for the review
petitioner and Mr. Gyan Prakash Ojha, learned G.A.-7 for the
State.

2. The present review petition has been filed for
reviewing the order dated 08.12.2023 passed in CWJC No.8666 of
2016.

3. Learned counsel for the State has taken a preliminary
objection with regard to maintainability of the review petition and
drawn the attention of the order dated 08.12.2023 passed in CWJC



No.8666 of 2016 and paragraph-2 of the said order which is quoted hereinbelow:

*“2. Learned counsel for the petitioner outrightly submits that this writ petition may be disposed of with liberty to the petitioner to move before the appropriate forum in accordance with the law as this case is not maintainable in view of the paragraph no. 4 of the judgment of Division Bench of this Court rendered in the case of **Neetu Kumari Vs. State of Bihar and Others** reported in **2011 (4) PLJR 20** which reads as follows:-*

“4. In our considered view, the post of Anganbari Sevika is not a post having security of tenure or protection under Article 311 of Constitution of India. Considering the very nature of engagement which provides for honorarium, we are not of the view that in case the appellant still feels aggrieved, she may approach the Civil Court for damages. There is nothing at stake in such a scheme other than honorarium. For such contractual



engagements the relief of reinstatement is not appropriate and even if there is breach of the scheme or any other principle of law, the claim should ordinarily be permitted, if found good on merits, only for damages.”

4. Learned counsel for the State submits that the petitioner has suo motu sought liberty to move before the appropriate forum in accordance with law and now he has filed the review petition for reviewing the aforesaid order.

5. Mr. Gyan Prakash Ojha, learned G.A.-7 for the State has informed this Court that the principles relating to review jurisdiction is well ordained and settled. (1) Review is maintainable only in the even of discovery of new and important matter or evidence which after the exercise of due diligence, was not within the knowledge of the petitioner or could not be produced by him. (2) Mistake or error apparent on face of record and (3) for any other sufficient reason.

6. It appears from the review petition that the petitioner has not made out the case of the principles relating to review jurisdiction and petitioner himself has sought permission to withdraw the writ application in light of paragraph-4 of the judgment of the Division Bench of this Hon'ble Court rendered in



the case of *Neetu Kumari Vs. State of Bihar and Others* reported in *2011 (4) PLJR 20*.

7. In view of the aforesaid, no case is made out for reviewing the order dated 08.12.2023 passed in CWJC No.8666 of 2016. Accordingly, this review petition is dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2025
Transmission Date	NA

