

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.93 of 2023

In
Letters Patent Appeal No.849 of 2007

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Biswanath Singh, Son of Late Yugeshwar Singh, Resident of Village-
Gorakhri, Police Station- Bikram, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Director-in-Chief, Department of Health, Vikas Bhawan, Bailey Road, Patna.
3. Secretary, Department of Health, Vikas Bhawan, Bailey Road, Patna.
4. Dr. Sachida Nand Sharma, Father's name not known, Physiology, Department-in-charge, Superintendent, Anugrah Narayan Magadh Medical College and Hospital, Gaya.
5. Dr. Prahalad Kumar, Father's name not known, Medical Officer (Stores), Anugrah Narayan Magadh Medical College and Hospital, Gaya.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Amiya Kunal, Advocate

For the Opposite Party/s : Mr. Anil Kumar Verma, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 23-09-2025 Heard learned counsel for the petitioner and learned

AC to AAG-9 for the State.

2. This matter has been listed under heading 'For Office Notes', after the petitioner despite indulgence granted as back as on 20.08.2025 failed to remove one of the defects.

3. Having regard to the kind of defect which has been pointed out, we thought it just and proper to hear the review application on its own merit.



4. This review petition has been filed seeking review of the judgment and order dated 29.06.2011 passed by a learned Division Bench of this Court in LPA No. 849 of 2007 arising out of the order dated 13.08.2007 passed by a learned Writ Court in CWJC No. 12987 of 2006.

5. It appears from the records that the petitioner was working as a daily wager in Anugrah Narayan Medical College and Hospital, Gaya on the post of Dresser. Subsequently, he was absorbed on the said post against a vacancy and his service was confirmed on the post of Dresser on 01.09.1998.

6. The problem arose when the petitioner refused to take charge of the Minor Operation Theatre and work as a Minor Operation Theatre Assistant. He pleaded that he was only a Dresser and was not acquainted with the instruments of Minor Operation Theatre. He had refused to take charge of the Minor Operation Theatre and that led to initiation of a departmental proceeding against him. He was found guilty of disobedience and was dismissed from service. A learned Writ Court having gone through Rule 429 of the Bihar Health Manual held that refusal of the appellant to work in the Operation Theatre would indicate that the appellant is not fit



to continue in the service. The writ application was dismissed.

7. Against the dismissal of the writ application, a Letters Patent Appeal giving rise to LPA No. 849 of 2007 was filed. The learned Division Bench of this Court noticed Sub-Rule 3 of Rule 429 of the Bihar Health Manual which indicates the duties and functions of the Dresser. Sub-Rule 3 reads as under:-

“(3) The course of instruction will include

- (1) Minor bandaging
- (2) the preparation of antiseptic lotion and dressing
- (3) Sterilization of dressing and instrument
- (4) The dressing of wounds
- (5) Taking of temperature etc.
- (6) The minor duties of hospital work”

8. The learned Division Bench of this Court agreed with the views expressed by the learned Single Judge saying that the duties of Minor Operation Theatre means the minor surgery, minor bandaging, dressing of wounds etc., which is a part of duty of Dresser as per provision contained in Sub-rule 3 of Rule 429 of the Bihar Health Manual. In ultimate analysis, the Hon’ble Division Bench refused to interfere with



the judgment of the learned Writ Court.

9. It is evident that the judgment of the learned Division Bench in Letters Patent Appeal was not challenged before the Hon'ble Supreme Court. At this stage, a review application has been preferred before this Court with an application seeking condonation of delay of over twelve years.

10. In the application seeking condonation of delay, the petitioner has made bald statements that he was busy attending to his ailing wife who was undergoing treatment for cancer. His wife died in the year 2014. It is stated that the petitioner was catering to the needs of his brother who was also ill and subsequently he also died. It is further stated that the petitioner had been suffering from depression.

11. The statements made in the application are not only completely vague and without discretion, the statements are not supported by any documentary evidence.

12. We have noticed that the review application has been filed after almost twelve years, this is a huge inordinate delay and by no stretch of imagination, the review application would be entertained ignoring the inordinate delay and laches on the part of the petitioner in approaching this Court.



13. In result, we find no plausible reason to entertain this review application after such a long time when the issues have already settled down.

14. This review application is dismissed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

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