

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.138 of 2024

In
Civil Writ Jurisdiction Case No.18876 of 2018

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Prem Chandra S/o- Ramnath Prasad Sinha Resident of Village- Punaichak,
Patna, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Member Judicial Lokayukt, Bihar, Patna.
3. The Deputy Development Commissioner, Katihar, District- Katihar.
4. The District Magistrate, Katihar, District- Katihar.
5. The Mukhiya, Gram Panchayat Bishanpur, Anchal- Barari, District- Katihar.
6. The Panchayat Secretary, Gram Panchayat Bishanpur, Anchal- Barari,
District- Katihar.
7. Parsuram Singh, S/o- Name not known Resident of Village- Durga Asthan,
Pradhan Dakghar, P.S.- Katihar, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate Ms. Shally Kumari, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 11-12-2025

Heard learned counsel for the petitioner and learned
AAG-13 for the State of Bihar.

2. This review application has been preferred on a
limited issue.

3. It is submitted that on bare perusal of the
judgment under review passed on 05.04.2022, it would appear



that the Hon'ble Division Bench of this Court allowed I.A. No.1 of 2019 by which the writ application was amended, bringing on record the order dated 04.10.2018 passed by the Member (Judicial) Lokayukta, Bihar, Patna. The said order was impugned, apart from the order dated 20.08.2018 contained in Annexure-7 of the writ application.

4. It is submitted that the Hon'ble Division Bench allowed the writ application. In the operative part of its judgment, the Division Bench held that the impugned order dated 04.10.2018 passed by the learned Member (Judicial) Lokayukta, asking the petitioner to deposit a sum of Rs.4,15,849/- is beyond the jurisdiction of the learned Member (Judicial) Lokayukta. The said order dated 04.10.2018 (Annexure-10) has been quashed and set aside reserving liberty to the Disciplinary Authority/Appointing Authority to initiate disciplinary proceedings for recovery of the amount, if so required and desired, in accordance with law.

5. Learned counsel points out that by amending the writ application vide I.A. No. 1 of 2019 the petitioner had not only prayed for quashing the order dated 04.10.2018 (Annexure-10) but had also prayed for a direction commanding the respondent to refund the amount of Rs.4,15,849/- with



interest thereof.

6. It is submitted that as a consequence of setting aside of Annexure-7 and Annexure-10, the Division Bench was required to direct the respondents to refund the amount of Rs.4,15,849/- which got deposited from the petitioner under threat to initiate a criminal proceeding against him.

7. Learned counsel for the State does not dispute the contention that Annexure-7 and Annexure-10 have been quashed and set aside by the Hon'ble Division Bench of this Court. Consequent to the said setting aside of the impugned order, the amount deposited by the petitioner during pendency of the writ application became refundable and in fact there was a prayer to the effect by the petitioner.

8. Having regard to the submissions noted hereinabove and the pleading available on the record, we are of the considered opinion that while passing the judgment under review, the Hon'ble Division Bench has missed out on the consequential prayer of the petitioner for refund of the amount of Rs.4,15,849/-.

9. Accordingly, we review the judgment dated 05.04.2022 passed in CWJC No. 18876 of 2018 and direct the respondent Principal Secretary, Department of Education,



Government of Bihar, Patna (respondent No.1) to return the amount of Rs.4,15,849/- to the petitioner with interest at the rate of 6% per annum from the date of deposit till the date of refund.

10. With the aforesaid modifications, this review application is allowed.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

manoj/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2025
Transmission Date	NA

