

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.107 of 2021

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Sandip Kumar Roy, Son of Late Mihir Kumar Roy, R/o 405, Panchratan Apartment, Kasturba Path, Boring Road, North S.K. Puri, P.S.-S.K. Puri, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Agriculture, Government of Bihar, New Secretariat, Patna, Bihar.
2. The Secretary Department of Agriculture, Government of Bihar, New Secretariat, Patna, Bihar.
3. The Bihar State Agriculture Marketing Board now repealed through its Administrator, Pant Bhawan, Bailey Road, Patna.
4. The Administrator Bihar State Agriculture Marketing Board now repealed through its administrator Pant Bhawan, Bailey Road, Patna.
5. The Special Secretary (Establishment), Department of Agriculture Government of Bihar, New Secretariat, Patna, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate
For the Opposite Party/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-07-2025 Heard the parties.

2.The present petition has been preferred for the following relief/s:

(i) for review of the order dated 16.03.2021 passed in CWJC No. 7973 of 2020 whereby the writ application has been allowed, with a direction that "the petitioner shall continue to receive pay at the same rate, which he was getting prior to issuance of the impugned



order with clear understanding that if the fixation is found to be incorrect and the tentative opinion of the Finance Department attains finality, he shall not resist recovery of the amount paid to him in excess, which he receives in the light of the present order".

The review of the order dated 16.03.2021 passed in CWJC No. 7973 of 2020 is being sought to the extent that the latter part of the observation to the effect " if the fixation is found to be incorrect and the tentative opinion of the Finance Department attains finality, he shall not resist recovery of the amount paid to him in excess, which he receives in the light of the present order", be modified and removed, since the same would amount to preclude the petitioner from challenging the legality of the final order with regard to the correctness of the scale of the petitioner.

3. Mr. Awadhesh Kumar representing the petitioner submits that with the passage of time, the civil review has



become infructuous and as such he may be permitted to withdraw the petition.

4. The petition is accordingly dismissed as withdrawn.

(Rajiv Roy, J)

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