

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.122 of 2021

In
Civil Writ Jurisdiction Case No.15673 of 2011

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Sanjay Kumar @ Sanjay Kumar Pathak Son of Late Dr. Kashi Nath Pathak,
resident of Mohalla - Maharaja Hata, Katira Pakri, P.S. - Ara (Nawada),
District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, Patna.
2. The Director -in-Chief, Health Services, Government of Bihar, Patna.
3. The State Leprosy Eradication Officer, Bihar, Patna.
4. The Civil Surgeon- Cum- Chief Medical Officer, Bhojpur at Ara.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Priyadarshi, Sr. Advocate
	:	Mr. Prashant Sinha, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-07-2025 Heard Mr. Manoj Priyadarshi, learned Senior

Counsel for the petitioner and Mr. Jitendra Kumar, learned AC

to AAG-9.

2. The present petition has been preferred for the
grant of following relief(s):

*“for the review of order dated
23.03.2012 passed in CWJC No. 15673 of 2011
by the Hon’ble Mr. Justice Ajay Kumar Tripathi
(as his lordship then was) has been pleased to
dismiss the writ petition on the ground of delay
and laches.”*

3. The petitioner claims to be one of the appointee in



Leprosy Eradication Programme, pursuant to his appointment as Non-Medical Assistant by the Civil Surgeon-cum-Chief Medical Officer, Bhojpur in the year 1989 alongwith 205 other persons. Subsequently, he was posted at Leprosy Control Unit, Buxar Sub-Divisional Hospital.

4. On 10.05.1990, the appointment alongwith others came to be canceled which followed CWJC No. 4030 of 1990. The order in question was quashed, petitioner taken back in service and thereafter vide letter no. 1716 dated 25.12.1991 once again, service was terminated.

5. The case of the petitioner as narrated by Mr. Priyadarshi, learned Senior Counsel is that subsequently, he being mentally ill remained under treatment between the year 1993 till 2013. In the meantime, others knocked the doors of this Court and got relief.

6. Pursuant to an advertisement on 23.11.2008 in local daily newspaper, he preferred a petition on 29.11.2008 which followed another representation but as no order was passed, the petitioner filed CWJC No. 15673 of 2011. This came to be dismissed on 23.03.2012 with a small order which read as follows:

“Since the order of termination is



dated 25.12.1991, any challenge to the said order after more than two decades will not be readily entertained by this Court on the ground of delay committed on behalf of the petitioner in assailing that order. Getting wiser subsequently by itself is not a ground on which any indulgence can be shown.

Writ application is dismissed.”

7. It is the case of the petitioner that earlier a civil review was preferred in the year 2015 through one Mr. Gajanand Arun but later, as the defect was not removed and the learned counsel also died, the said case failed to see the light of the day.

8. Finally it was the year 2021 that the present civil review has been filed.

9. Learned Senior Counsel submits that the fact he was mentally ill for twenty years was not considered by the respondents while taking others in service when there was/were orders by the High Court, petitioner being similar situate, could have been extended the relief.

10. Learned State counsel on the other hand submits that even by his own showing the petitioner claims to be ill



between the year 1993 to 2013. The order of termination came to be passed on 25.12.1991 when according to his case, he was agile. The further submission is that though the petitioner claims to mentally ill till the year 2013, the civil review averment shows that in the year 2008, pursuant to the press communique, he preferred representation which followed another representation in the year 2009. As such, the said alibi has to be rejected.

11. Having gone through the facts of the case and the materials on record, this Court finds force in the submissions of learned State counsel. Lots of water has fallen down the ganges since the order of termination came to be passed in the year 1991. Almost 34 years have lapsed and the reason assigned by the petitioner to file a belated writ petition as also the present review petition is/are not plausible. In that background, this Court does not find any error in the order.

12. Accordingly, the civil review stands dismissed.

(Rajiv Roy, J)

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