

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.236 of 2024**

**In**  
**Civil Writ Jurisdiction Case No.19274 of 2015**

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1. State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
  2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
  3. The Director, Primary Education, Govt. of Bihar, Patna.
  4. The Regional Dy. Director of Education, Magadh Division, Gaya.
  5. The District Education Officer, Aurangabad.
  6. The District Education Officer, Gaya.

... .. Petitioner/s

Versus

Krishna Ram S/o Late Basudeo Ram Resident of village Khandiha, P.S.  
Haider Nagar, District- Palamu Jharkhand.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Kumar Manglam, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Dubey, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

8      09-05-2025                      Heard Mr. Kumar Manglam, learned counsel for the  
  
petitioner and Mr. Sunil Kumar Dubey, learned counsel for the  
  
respondents.

2. The present review petition has been filed for reviewing the order dated 09.01.2024 passed in C.W.J.C No. 19274 of 2015 by which the Court has been pleased to allow the writ petition and set aside the dismissal order dated 25.02.2015 as well as appellate order dated 17.06.2015 with the direction to pay all the consequential benefits to the petitioner within a period of three months from the date of production of the



receipt/copy of the order.

3. Learned counsel for the review-petitioner submits that the writ petitioner has concealed the facts that during pendency of the writ petition, the learned court of Special Judge, Vigilance, Patna *vide* order /judgment dated 18.10.2023 passed in Special Case No. 39 of 2011 arising out of Vigilance PS Case No. 50 of 2011 has convicted the writ petitioner imposing the sentences which are as follows:-

“HEARING ON THE POINT OF SENTENCE

Heard the learned Special P.P as well as the learned counsel for the petitioner.

Considering the fact, that the case is of year 2011 and the accused has suffered the ordeal of long drawn trial. So considering the above facts and circumstances of the case, the accused Krishna Ram is sentenced to undergo RI for 6 (six) month and also to pay fine of Rs.5000/- (five thousand rupees) U/s. 7 of the Prevention of Corruption Act 1988. He is further sentenced to undergo RI for 1 (One) year and also to pay a fine of Rs. 5000/- (five thousands rupees) U/s.13(2) r/w.13(1)(d) of the Prevention of Corruption Act 1988. In default of payment of the fine, he will undergo imprisonment for 3(three) months on both counts in addition to the substantive punishment. Both the sentences shall run concurrently.”



4. Learned counsel for the review petitioner further submits that the writ petitioner did not apprise the aforesaid fact of conviction to this Court in the proceeding of the connected writ application. The writ petitioner has also challenged the order passed by the aforesaid Vigilance Court in Cr. Appeal (SJ) No. 5119 of 2023 on 10.11.2023 but the writ petitioner did not apprise to this Hon'ble Court regarding aforesaid proceeding. The Hon'ble Court *vide* order dated 13.12.2023 passed in Cr. Appeal (SJ) No. 5119 of 2023 has been pleased to admit the appeal and granted bail to the writ petitioner. In fact, a departmental proceeding was initiated on the same set of charge on which the aforesaid Vigilance case was initiated and despite the petitioner having full knowledge of the same, he has not informed this Hon'ble Court regarding the aforesaid developments in the criminal proceeding.

5. Learned counsel for the petitioner submits that in the present case, the disciplinary authority has invoked Rule 28 and 29 of the Bihar CCA Rules, 2005 for revising the earlier order passed in the departmental proceeding.

6. In fact, the writ petitioner has obtained the impugned order by suppressing the material facts from the learned Appellate Court which was in his knowledge at the time



of passing the impugned order. Hence, it amounts to misleading this Court and on this score only, the impugned order is fit to be reviewed.

7. The principles relating to review the jurisdiction is well ordained and settled.

(1) The review is maintainable only in the event of discovery of new and an 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 the face of record and

(3) For any other sufficient reason.

8. The expression 'any other sufficient reason' is not wide enough to include the perception of the Court regarding the petitioner that he had not approached the Court with clean hands. 'Any other sufficient reason' would include such ground which are analogous to the other two stipulated grounds under Order 47 Rule 1 of the Code of Civil Procedure.

9. This Court cannot go into the question of sufficiency of the material against the petitioner. The writ petitioner (Opposite Party) has filed a counter affidavit and submits that the petitioner had preferred the writ petition bearing CWJC No. 19274 of 2015 challenging the order



contained in Memo No. 393 dated 17.06.2015 (Annexure-12) and order contained in Memo No. 144 dated 25.02.2025 (Annexure-11). The writ petitioner had made specific averment in para-4 of the writ petition with regard to institution and pendency of the aforementioned Vigilance Case along with his incarceration in the said case. Hence, there is no suppression on the part of the petitioner.

10. It is true that the petitioner was convicted in the aforementioned Vigilance Case during pendency of the aforesaid writ petition. Apart from that, learned counsel for the State has submitted before the Writ Court that on the basis of instruction received from the Department, and even he has not informed this Court that the petitioner has been convicted in the Vigilance matter. Apart from that, the order of punishment was passed against the writ petitioner (Opposite Party) on 17.06.2015 and 25.02.2025. The Writ Court has passed the order on the basis of the material available on record. Apart from that, the writ petitioner attained the age of superannuation on 31.03.2016 itself. The case of the petitioner falls under 43A of the Bihar Pension Rules which empowers the State of Bihar to withhold or withdraw the whole or part of the pension, if the employee is convicted on serious crime or held guilty or grave



misconduct.

11. Having heard the learned counsel for the parties and on perusal of the materials on record, it transpires that the Hon’ble Apex Court has settled the principles relating to review the petition. It appears that the case of the petitioner does not fall within the aforesaid ambit of the Hon’ble Apex Court. The review petition of the petitioner has not made out the case of the principles relating to review the petition and the review petitioner had appeared in the writ proceeding and he has not informed the Writ Court with regard to the order passed in the aforesaid Vigilance Case.

12. In the aforesaid view of the matter, no case is made out for reviewing the order dated 09.01.2024 passed in C.W.J.C No. 19274 of 2015.

13. Accordingly, the present review petition stands dismissed.

**(Rajesh Kumar Verma, J)**

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