

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.296 of 2022

In
Civil Writ Jurisdiction Case No.1254 of 2021

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Ashok Kumar son of Late Tulsi Prasad Thakur resident of Mohalla- Lodipur
Budh Marg, Police Station- Gandhi Maidan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Under Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The Additional Collector-cum-Enquiry Officer, Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh, Sr. Advocate
		Mr. Rajeev Kumar, Advocate
For the Opposite Party/s :		Mrs. Nutan Sahay, AC to AAG-12.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-07-2025 Heard Mr Jitendra Prasad Singh, learned Senior

Counsel for the petitioner and Mrs. Nutan Sahay, learned Ac to

the AAG-12.

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

*(i) for review of the order dated 22.09.2022
passed by Hon'ble Mr. Justice Madhuresh
Prasad (as his Lordship then was) in
C.W.J.C. No. 1254 of 2021.*



3. The petitioner who joined as 'Kanungo' at Ara finally superannuated on 31.12.2023.

4. He was aggrieved by the decision of the Principal Secretary, Revenue and Land Reforms, Bihar contained in memo no. 187 dated 21.02.2015 by which pursuant to the discipline proceedings, he was given major punishment as follows:

(i) reversion to the original post of Circle Inspector;

(ii) decision not to be given the post of Circle Officer;

(iii) he shall not be shifted to anything save and except the subsistence allowance

(Annexure-8 to the writ petition).

5. Aggrieved, the writ petition was filed. During the pendency of the petition, the petitioner filed I.A. No. 01 of 2022 bringing on record the resolution no. 686 dated 29.9. 2021 by which one of the punishment was modified to the extent that reversion to the original post was restricted for a period of five years beginning 21.02.2015 which came to an end on 20.02.2020.

6. The Writ Court on 22.09.2022 took note of the



fact that the punishment to the minimum of basic grade stands lapsed in the year 2020 itself and as such he is entitled to receive due admissible benefits as well as the subsistence allowance in terms of the order of punishment as amended by the revisional authority, disposed of the writ petition with a direction to the District Magistrate, Sitamarhi to ensure that due admissible benefits be handed over to him pursuant to the second order as recorded above.

7. The review petition thereafter has been filed with the fact that since the other punishment has not been set aside by the revisional authority, it will ultimately prejudice the cause of the petitioner.

8. Though, learned Senior Counsel for the petitioner tried to impress upon this Court that the other punishment have not been modified, learned State Counsel pointed out that now that the period has already been restricted to five years and since the petitioner as per the document on record, has superannuated in the year 2023 itself, the second clause which debarred him from taking over the charge as Circle Officer itself has come to an end. Now the only relief remains is the financial benefits and considering that the disciplinary authority had taken note of the charges against him which stands proved, he is not entitled to



further relief.

9. In that background, taking note of the facts/development that has taken place, the review petition is disposed of with a direction to the District Magistrate to see it that the order passed by the writ court on 22.09.2022 is implemented in its letter and spirit as now the petitioner has superannuated and is entitled to the admissible benefits which has already been observed by the writ court.

(Rajiv Roy, J)

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