

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.346 of 2024

In
Letters Patent Appeal No.295 of 2012

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Manoj Kumar Sharma Son of Sri Ramadhin Prasad Sharma Resident of
village- Saini Tola, P.O. and P.S. Simari Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Primary and Adult Education,
Government of Bihar.
2. The District Teachers Appointment Appellate Tribunal, Saharsa through its
member.
3. Block Development Officer (B.D.O.), Simari Bakhtiyarpur Block, Saharsa.
4. Mukhiya, Gram Panchayat Bakhtiyarpur South, P.O. Simari Bakhtiyarpur,
District Saharsa.
5. Panchayat Secretary, Gram Panchayat Bakhtiyarpur South, P.S. and P.O.
Simari Bakhtiyarpur, District Saharsa.
6. Subhas Kumar Bhagat son of Shiv Brat Bhagat, Resident of village Sharma
Chowk Simari Bakhtiyarpur, P.O. and P.S. Simari Bakhtiyarpur, District
Saharsa.
7. Vijay Kumar son of Lakhan Sah Resident of Main Road Simari
Bakhtiyarpur, P.O. and P.S. Simari Bakhtiyarpur, District Saharsa.
8. Anil Kumar Son of Chedi Sah Resident of Kanu Tola, Simari Bakhtiyarpur,
P.O. and P.S. Simari Bakhtiyarpur, District Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subesh Sharma
For the Opposite Party/s : Mr.Additional Advocate General 13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-07-2025

Heard I.A. 01 of 2025.

2. Delay of about 8 years 6 months and 23 days in

filing C. Rev. No. 346 of 2024, arising out of L.P.A. No. 295 of



2012. Review petitioner - Manoj Kumar Sharma was stated to have been appointed as a *Panchayat* Teacher under particular *Gram Panchayat* among others. They had certain grievance which was subject matter of C.W.J.C. No. 1087 of 2011 and connected matter. Learned Single Judge proceeded to decide the Writ Petitions in favour of the Review petitioner and others. Contesting respondents preferred L.P.A. No. 295 of 2012 in C.W.J.C. No. 1087 of 2011. Order of the learned Single Judge was reversed, resultantly Review petitioner - Manoj Kumar Sharma's right has been affected. In this regard, competent authority proceeded to dispense the service of the Review petitioner - Manoj Kumar Sharma on 12.05.2014 and it is in pursuance to order dated 16.04.2014, passed in LPA No. 295 of 2012. No doubt, the Review petitioner has not been heard by the L.P.A. Bench while passing order on 16.04.2014 in L.P.A. No. 295 of 2012 since there was no L.P.A. against Manoj Kumar Sharma's Writ Petition. He has remedy of filing Civil Review. At the same time, it was bounden duty of the petitioner to assail the order of the competent authority insofar as dispensing his services on 12.05.2014. Therefore, cause of action accrued to



the Review Petitioner in the year 2014 insofar as filing Civil Review and so also assailing the dispensing his services. Whereas, the review petition has been presented Civil Review in the year 2024 *i.e.* after about one decade. In the meanwhile, petitioner is stated to have invoked a remedy of filing M.J.C. No. in 3938 of 2017 for contempt. It was disposed on 23.05.2017. Thereafter, he has filed C.W.J.C. No. 15841 of 2018 for certain relief and it was disposed on 12.09.2022. Review petitioner has failed to file review within the time limit stipulated and that apart, even to this day, there is no challenge to the order dated 12.05.2014 insofar as dispensing his services, pursuant to the LPA order dated 16.04.2014, passed LPA No. 295 of 2012. Taking note of these dates and events, the Appellant had cause of action insofar as filing Civil Review on 12.05.2014, the date on which he was well aware of the fact that his services were dispensed, pursuant to the L.P.A. order dated 16.04.2014 passed in LPA No. 295 of 2012. Assuming that there is a wrong advice to the Review petitioner - Manoj Kumar Sharma insofar as filing M.J.C. No. 3938 of 2017 and filing CWJC No. 15841 of



2018, it is evident that even to this day there is no challenge to the order dated 12.05.2014.

3. Therefore, the review petitioner has not made out a case so as to condone the enormous delay of about 8 years 6 months and 23 days insofar as reviewing the order of the Co-ordinate Bench dated 16.04.2014, passed in L.P.A. 295 of 2012.

4. Accordingly, I.A. No. 01 of 2025 stands rejected.

5. Consequently, present Civil Review No. 346 of 2024 stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Nirajkrs/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.07.2025
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