

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.53 of 2024

In
Civil Writ Jurisdiction Case No.8614 of 2019

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Ramesh Kumar Son of Sahadev Mahto, Resident of Village Bandihuli, P.O. Argaa, P.S. Badehi, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Executive Director, State Health Society, Bihar, Patna.
3. The District Magistrate cum Chairman, District Health Society, Darbhanga.
4. The Civil Surgeon cum Member Secretary, District Health Society, Darbhanga.
5. The Districts Accounts Officer, Darbhanga.
6. The A.C.M.O. Darbhanga.
7. Kumud Ranjan KUmAr, Son of Shiv Prasad Yadav, Resident of 91/C, B.L. Saha Road, Kolkata-700053.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kundan Kumar, Advocate Mr. Dhirdyuti Kumar Verma, Advocate Mr. Anshuman Dheer, Advocate
For the State	:	Mr. S.D. Yadav (AAG-9) Mr. Braj Bhushan Mishra, (AC to AAG-9)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-03-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present civil review petition has been filed for review of the order dated 07.10.2023 passed by this Court in C.W.J.C. No. 8614 of 2019 which was dismissed on the submissions advanced by the learned counsel for the State that a provisional merit list has been published and objection has been called for in which petitioner has filed objection and after due



consideration, his objection was rejected assigning the reasons mentioned in Annexure-R-3/B.

3. Learned counsel for the petitioner submits that he is well aware about the scope of the review as Order XLVII of the Code of Civil Procedure, 1908 (Act No. 5 of 1908) talks about the scope of review only on limited points, on the ground of some mistake or error apparent on the face of the record, review is entertainable. Counsel further submits that in paragraph 18 of the writ petition i.e. C.W.J.C. No. 8614 of 2019, he has categorically mentioned that the petitioner has filed applications on 10.01.2019 and 11.01.2019 before the respondent nos.1 to 6 through registered post as well as in their respective offices, disclosing all the facts and irregularities made in the selection process and further requested to look into the matter for his selection on the Block Health Manager in the Darbhanga district, but no consequences took place and therefore, he moved in the writ petition. Counsel also submits that in response of paragraph 18, there was no answer in the counter affidavit. He further submits that during course of argument, the respondent-State relied on Annexure-R-3/B, by which it become clear that the objection of the petitioner has already been entertained. But, he submits that the date of taking decision on



the objection of the petitioner was 09.01.2019, whereas, in paragraph 18, it has been categorically mentioned that the petitioner has filed representations on 10.01.2019 and 11.01.2019. In this background, he submits that it is true that his objection was rejected on 09.01.2019, but his applications dated 10.01.2019 and 11.01.2019 have not been rejected. Therefore, he seeks review of the order passed in the writ petition that an error taken place on the face of the record.

4. Learned counsel for the State, on the other hand, submits that there is no illegality in the said order dated 07.10.2023 passed in C.W.J.C. No. 8614 of 2019. In the counter affidavit, the stand has been taken that counsel for the petitioner has raised a new prayer which he never raised in the writ petition and by virtue of the review, he want to seek relief which he has never been demanded in the original writ petition. And hence, on this background, this review petition is fit to be dismissed.

5. Upon considering the documents on record and arguments made by the parties, it transpires to this Court that in the writ petition, only two prayers were made. Firstly, for issuance of direction upon the respondent authorities to cancel the selection of respondent no.7 who has been selected on the



post of Block Health Manager without considering the eligibility criteria mentioned in the advertisement dated 05.04.2018 and secondly, for directing the respondent authorities to select the petitioner on the post of Block Health Manager, as he possess all the requisite qualification mentioned in advertisement dated 05.04.2018.

6. It is nowhere mentioned either in para 1 or in the relief portion or in the prayer portion by the petitioner that his representations dated 10.01.2019 and 11.01.2019 have not been considered and the petitioner has also not sought any direction for consideration of those representations. At the time of argument, the only emphasis has been raised that the objection of the petitioner has not been entertained. But, it is apparent from Annexure-R-3/B that the objection of the petitioner was considered by the authorities and it has been rejected on 09.01.2019.

7. Therefore, this Court is not inclined to entertain this civil review petition as, there was no relief demanded relating to representations dated 10.01.2019 and 11.01.2019. And the observation of the court in the writ petition is also correct that objection filed by the petitioner was rejected on 09.01.2019 which is apparent from Annexure-R-3/B.



8. Accordingly, with the aforesaid observation, the present civil review petition stands dismissed. However, liberty is hereby granted to the petitioner to file a fresh writ petition for non-entertainment of his further objection about which he has made pleading in paragraph 18, but with regard to paragraph 18, he has not demanded any corresponding relief in the writ petition.

(Dr. Anshuman, J)

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