

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.134 of 2024

In
Civil Writ Jurisdiction Case No.16192 of 2014

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1. The State of Bihar.
 2. The Special Education Director, Department of Education, Bihar, Patna.
 3. The Secretary, Bihar Sanskrit Education Board, Bihar, Patna.
 4. The District Programme Officer (Establishment), West Champaran, Bettiah.
 5. The District Education Officer, West Champaran, Bettiah.
 6. The Head Master Sri Chandi Jyotish Sanskrit School Bagaha, West Champaran.

... .. Petitioner/s

Versus

Vivek Kumar Upadhyay Son of Awadh Kumar Upadhyay Resident of Village-
Ahirani Kala, P.O.- and P.S.- Bagaha, District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Raza Ahmad, AAG-5

Mr. Alok Ranjan, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-03-2026 Heard learned counsel for the petitioners/review
applicants/ the State of Bihar and learned counsel for the
opposite party.

2. The instant application has been filed by the
petitioners praying for review of the order dated 25.1.2024
passed in CWJC no.16192 of 2014.

3. It may be observed here that placing reliance on the
Division Bench judgment of this Court dated 27.3.2019 passed
in CWJC no.985 of 2015 (Imran Alam & Anr. vs. the State of
Bihar & Ors.) wherein it was held that the resolution dated



31.8.2013 had no retrospective application and the petitioner had been appointed on 13.12.2011, the Court allowed the writ application by order dated 25.1.2024, review of which has sought by the petitioners/review applicants in the instant application.

4. It is submitted by learned counsel for the petitioners/review applicants that so far as the judgment dated 27.3.2019 passed in CWJC no.985 of 2015 is concerned, the Division Bench of this Court erred in deciding the same and as such a review application being Civil Review no.295 of 2019 has been preferred for review of the said judgment dated 27.3.2019. It is submitted that the instant application be listed after disposal of the said review application preferred by the petitioners.

5. It may be observed here that the Hon'ble Supreme Court in the case of *State of West Bengal & Ors. vs. Kamal Sengupta & Anr.; (2008) 8 SCC 612* has held that in considering a review application, the tribunal was required to confine itself on the material available at the time of the initial decision.

6. Even accepting the submission made by learned counsel for the review applicants that a review has been



preferred against the judgment dated 27.3.2019 passed in CWJC no.985 of 2015 and for the sake of argument accepting that the said order is reviewed, in view of the judgment of the Hon’ble Supreme Court referred to herein above, in the opinion of this Court, the same may not be a ground for review.

7. It is for the review applicants/petitioners to pursue an appropriate remedy as available to them in accordance with law.

8. The review application stands dismissed.

(Partha Sarthy, J)

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