

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.140 of 2024

In
Civil Writ Jurisdiction Case No.11371 of 2015

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Yugal Kishor Prasad Gupta Son of Ram Deni Prasad, Resident of Court no 3,
Purnea, Police Station- Purnea, District-Purnea.

... .. Petitioner/s

Versus

1. B.N. Mandal University Laloo Nagar Madhepura through its Registrar.
2. The Vice-Chancellor, B.N. Mandal University, Laloo Nagar Madhepura.
3. The Registrar, B.N. Mandal University, Laloo Nagar Madhepura.
4. The Principal, Purnea College, Purnea.
5. Purnea University, Purnea through its Registrar.
6. The Vice-Chancellor, Purnea University, Purnea.
7. The Registrar, Purnea University, Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
For the Purnea University	:	Mr. Maurya Vijay Chandra, Advocate
		Mr. Abhimanu Vast, Advocate
		Mr. Govind Govinda, Advocate
		Ms. Preety Ranjan, Advocate
For the B.N. Mandal University	:	Mr. Ashhar Mustafa, Advocate
For the Respondent no.4	:	Mr. Sunil Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
CAV JUDGMENT

Date : 16-06-2026

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
review of the judgment dated 1.3.2024 whereby this Court was



pleased to dismiss C.W.J.C. no.11371 of 2015 (Yugal Kishore Prasad Gupta vs. B.N. Mandal University and Ors.).

3. The case of the petitioner in the writ application was that having been appointed by the Principal of the Purnea College, Purnea on 23.4.1986 for doing accounting work without any remuneration, the petitioner started working. Subsequently payment of a daily wage employee was allowed to him on 20.12.1988.

4. In spite of the petitioner working since 24.4.1986 and the Principal of the College writing a letter to the Registrar of the University on 21.8.1998 to regularize his service, his service was not regularized. This led to the petitioner filing C.W.J.C. no.8096 of 2013 which was disposed off on 5.8.2014 giving liberty to the petitioner to file a representation which was to be considered by the Vice Chancellor. The representation filed by the petitioner having been rejected on 6.1.2015 led to the petitioner filing C.W.J.C. no.11371 of 2015.

5. Taking into consideration the material on record, by order dated 1.3.2024, C.W.J.C. no.11371 of 2015 was dismissed.

6. The grounds mentioned in the order under review dated 1.3.2024 which lead to the dismissal of the writ



application are as follows:

(i) The petitioner was engaged by the Principal on 23.4.1986 to work in the accounts section without any wages.

(ii) The appointment of the petitioner was not by a competent authority nor after following the due process as required under the Constitution.

(iii) The service of the petitioner not having been regularized led to the petitioner filing C.W.J.C. no.4465 of 2004 which was dismissed vide order dated 1.2.2006.

(iv) The appeal preferred by the petitioner against the order dated 1.2.2006 vide LPA no.188 of 2006 was also dismissed vide order dated 21.2.2007.

7. The representation of the petitioner was considered by the University and rejected on the grounds that neither the petitioner was engaged nor appointed as a daily wage earner, the appointment was not by the competent authority nor was he appointed following the due process.

8. It is submitted by learned counsel appearing for the petitioner that the petitioner on the earlier occasion (while hearing of C.W.J.C. no.11371 of 2015) could not place on record important documents which had bearing on the case. Reference is made to a letter dated 12.10.2018 of the Registrar



issued with the authorization of the Vice Chancellor allowing advance salary to the employees working for the last 5 years and onwards. Learned counsel submit that this authorization would only lead to the conclusion that the petitioner was working within the sanctioned post. It is thus submitted that taking into consideration the additional facts/documents, the review application be allowed, the order be reviewed and the prayer made in the writ application be granted.

9. The application is opposed by learned counsel appearing for the respondents. It is submitted that the averment made in the application do not make out a case for review of the judgment as there is no error on the face of the record. Referring to the judgment in the case of ***Inderchand Jain vs. Motilal; (2009) 14 SCC 663***, it is submitted that the review Court does not sit in appeal over its own order and rehearing of the matter is impermissible in law. It is thus submitted that the petitioner not having made out any case for review of the judgment, the instant application be dismissed.

10. Heard learned counsel for the parties and perused the material on record.

11. The writ application (C.W.J.C. no.11371 of 2015) review of which is sought was dismissed by order dated



1.3.2024. Relevant portion of the order dated 1.3.2024 is reproduced hereinbelow for ready reference:

“8. Having heard learned counsel for the parties and having perused the material on record, it transpires that the petitioner was engaged by the Principal on 23.4.1986 to work in the Accounts section, but without any wages. Subsequently as per the petitioner’s case, inspite of the Principal writing letter to the Vice-Chancellor of the University with respect to the petitioner and others, no steps was taken by the respondent- University which led to the petitioner’s filing CWJC no.4465 of 2004 which was dismissed vide order dated 1.2.2006 and even the appeal preferred from the same being LPA no.188 of 2006 was dismissed vide order dated 21.2.2007.

9. In spite of the prayer for regularisation made in the earlier case having been dismissed by this Court and even the appeal preferred there from not having been entertained, the petitioner once again preferred CWJC no.8096 of 2013 which was disposed of vide order dated 5.8.2014 giving liberty to the petitioner to file a fresh representation before the Vice-Chancellor of the University. A perusal of the said order would show that the Court



took note of the submission made by learned counsel for the petitioner that subsequent to the earlier orders passed in the petitioner's writ petition and LPA, the judgment of the Apex Court in the case of Secretary, State of Karnataka vs. Uma Devi (3) reported in 2006 (2) PLJR 363 (SC) had come and as such the direction that the Vice-Chancellor was to consider all the materials produced by the petitioner in accordance with law.

10. The University considered the case of the petitioner and rejected the representation by the order impugned dated 6.1.2015. The Registrar of the University observed that the petitioner was neither engaged nor appointed as a daily wage earner, the appointment was not by the competent authority nor after following the due process as required under the Constitution. The petitioner having been engaged illegally and the engagement being of contractual/outsourcing basis, the petitioner could not be considered for regularisation even as per the judgment of the Hon'ble Supreme Court. Confronted with the reasons given by the Registrar of the University in the order impugned, though learned counsel for the petitioner tried to impress upon the Court from the communications/letters



between the authorities of the University brought on record that the petitioner was subsequently engaged as a daily wager, however the reasonings given in the order impugned with respect to the petitioner not having been appointed by the competent authority nor after following the due process could not be answered.

11. In view of the facts and circumstances stated hereinabove, the Court finds no merit in the instant application and the same is dismissed.”

12. Order 47 Rule 1 of the Code of Civil Procedure provides for review of judgment on the ground of discovery of new important matter or evidence which even after exercise of due diligence was not within the knowledge of the petitioner, on account of some mistake or error apparent on the face of the record or for any other sufficient reason.

13. So far as the instant application is concerned, the petitioner only submits that he could not place on record important documents which had otherwise bearing in the present case. The petitioner does not state that these documents/letters could not be produced by him even after exercise of due diligence nor is he able to show any error apparent on the face of the records of the judgment. Thus in the opinion of the Court



the petitioner in the garb of a review application is seeking a rehearing of the main case on merit. This is clearly impermissible.

14. So far as the law laid down on the scope of review application is concerned, the Court is not going into the details thereof but only mentions that reference may be made to the judgments of the Hon'ble Supreme Court in the case of ***Satyanarayan Laxminarayan Hegde vs. Millikarjun Bhavanappa Tirumale; AIR 1960 SC 137, Col. Avtar Singh Sekhon vs. Union of India; 1980 Supp SCC 562, Parsion Devi vs. Sumitri Devi; (1997) 8 SCC 715, Lily Thomas vs. Union of India; (2000) 6 SCC 224 and State of Telangana and Ors. vs. Mohd. Abdul Qasim; (2024) 6 SCC 461.***

15. In view of the facts and circumstances of the case, the Court is of the opinion that there is no such material in possession of the petitioner, non-consideration of which would lead to miscarriage of justice, the petitioner has not been able to establish that there was an error apparent on the face of the record or that any of the documents which the petitioner seeks to bring to the attention of the Court by filing the instant application was not within his knowledge and could not be produced by him inspite of exercise of due diligence.



16. In view of the facts and circumstances of the case, the Court finds no merit in the instant application and the review application is dismissed.

(Partha Sarthy, J)

saurovkrishna/-

AFR/NAFR	NAFR
CAV DATE	3.4.2026
Uploading Date	17.6.2026
Transmission Date	NA

