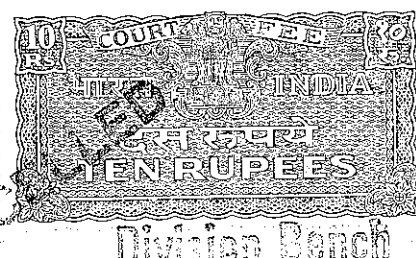
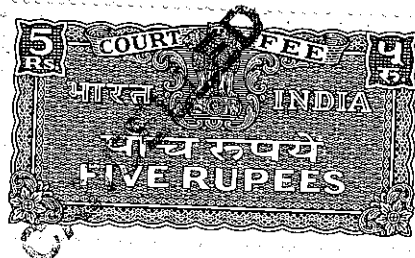


C102



Division Bench

IN THE HIGH COURT OF JUDICATURE
AT BILASPUR

Writ Appeal No. 70/07 Of 2006

(Arising out of Review Petition No. 25/2006 &
W.P.(S) No. 5245/2006)

APPELLANT:
PETITIONER

✓ Sushil Kumar Patel , aged about 33
years, S/o Shri Yadumani Patel, re-
sident of Village Banjipali, Post
Office, Salheona, Via Sariya, Tahsil
Sarangarh , District Raigarh (CG).

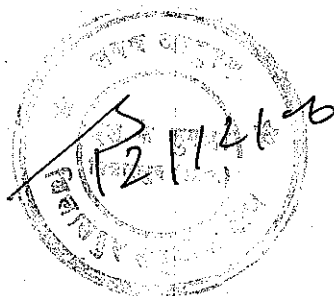
P.R. No. 70/07
Presented by 15/12/06
dated 15/12/06

VERSUS

RESPONDENTS

- ✓ 1. The State of Chhattisgarh
Through the Secretary,
Department of School
Education, Mantralay,
D.K.S. Building, Raipur (CG).
- ✓ 2. Janpad Panchayat
Baramkela , through its
Chief Executive officer at
Baramkela, District Raigarh
(CG).
- ✓ 3. Additional Collector,
Raigarh, District Raigarh
(CG).
- ✓ 4. District Education Officer,
District Raigarh (CG).

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WRIT APPEAL AGAINST THE IMPUGNED ORDER DATED
7th NOVEMBER 2006 PASSED IN REVIEW PTITION NO.
25/2006 BY THE HON'BLE SINGLE JUDGE
S.K.AGNIHOTRI ARISING OUT OR ORDER DATED 4TH

OCTOBER 2006 PASSED IN WRIT PETITION (S) NO.

5245/2006

70/07

157 (10)

✓ (UNDER RULE 139 (A) OF THE HIGH COURT OF
CHHATTISGARH RULES, 2005)

मामला क्रमांक N.P....(P.R.)....7454/ सन् 200670/07
आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>DB: HON'BLE SHRI V.K. SHRIVASTAVA & HON'BLE SHRI DHIRENDRA MISHRA, JJ</u> <u>31.01.2007</u></p> <p>Smt. Mala Dubey, Advocate for the appellant. None appears for the respondents. Heard on application (P.R. No. 1392/2007) i.e. an application for amendment in the memo of writ appeal.</p> <p>On 4-10-2006 final order has been passed by learned single Judge in W.P. No. 5245/2006. Learned single Judge dismissed the petition on merit. The petitioner instead of preferring writ appeal filed an application for review bearing No. 25/2006 before him. Learned Single Judge heard it and vide order dated 7-11-2006 dismissed the review petition.</p> <p>The petitioner filed the writ appeal against the order dated 7-11-2006 passed by the learned Single Judge in review petition No. 25/2006. By proposed amendment, petitioner intends to delete and incorporate materials which will substantially change the nature of memo of appeal.</p> <p>Once the petitioner foregoes his statutory right of appeal and in place of preferring appeal, he chooses to move application for review and when his application for review has been rejected he cannot come back to assail the original order by preferring appeal against it. Therefore, the amendment proposed by the petitioner which substantially changes</p>	

P.T.O.

मामला क्रमांक ... W.A... (P.R.) ... 7454/ सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>the nature of appeal itself can't be permitted to be incorporated in the memo accordingly the application for amendment in the writ appeal is dismissed.</p> <p>The High Court of Chhattisgarh Rules, 2005 only provides appeal against the judgment or final order passed by one judge of the High Court in exercise of original jurisdiction under Article 226 of the Constitution of India, therefore, appeal against rejection of review petition is not maintainable. Presently there is no appeal against the order dated 4-10-2006 passed in W.P. No. 5245/2006 by the learned Single Judge, therefore the question of condonation of delay in filing the appeal does not arise.</p> <p>As a result of rejection of application for amendment filed by the petitioner, the application for condonation of delay (P.R. No. 1393/2007) becomes redundant and the instant appeal instituted against the order passed by learned Single Judge exercising review jurisdiction being not appealable, is not maintainable.</p> <p>Accordingly, the appeal is dismissed.</p>	
	<p>Sd/- V.K. Shrivastava Judge</p>	<p>Sd/- DHIRENDRA MISHRA Judge</p>

P.T.O.