

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.50 of 2013

IN

Civil Writ Jurisdiction Case No. 3560 of 2011

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1. The State Of Bihar
 2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, Patna
 3. The Principal Secretary, General Administration Department, Government Of Bihar, Patna
 4. The Director (Secondary Education), Human Resources Development Department, Govt. Of Bihar, Patna
 5. The Director (Primary Education), Human Resources Development Department, Govt. Of Bihar, Patna
 6. The Commissioner, Saran Division, Chhapra
 7. The Regional Deputy Director Of Education, Saran At Chhapra
 8. The District Education Officer, Siwan
 9. The District Superintendent Of Education, Siwan

.... Petitioner/s

Versus

1. The District Primary Teacher Association, Siwan Through The District President Rameshwar Pathak S/O Late Raja Ram Pathak R/O Vill. - Barauta, P.S. Andar, District - Siwan, At Present Posted As Assistant Teacher, Upgraded Middle School, Murarpur, P.S. Andar, District - Siwan
2. Kameshwar Tiwari S/O Late Ram Ratan Tiwari R/O Vill. - Khoripakar, P.S. Jamo Bazar, District - Siwan, Presently District Delegate, Presently Posted As Assistant Teacher, Middle School, Sri Nagar, P.S. Siwan, District - Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Bose, AAG 8

Mr Rohit Mishra

For the Respondent/s : Mr. Bajarangilal

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-03-2015

It is the stand of the petitioners i.e. State that in view of the development in law and the earlier order which came to be passed in the case of *Reeta Srivastava and others v. State of Bihar, reported in 2012 (3) PLJR 353*, the earlier decision rendered in CWJC No.3560 of 2011 is required to be recalled because it did not

lay down the correct law due to limited assistance which was rendered at the relevant time both on behalf of those petitioners as well as the State.

Since the principle decided in the case of Reeta Srivastava has been upheld both by a Division Bench as well as Hon'ble Supreme Court, the order dated 17.1.2012 passed in CWJC No.3560 of 2011 does not lay down the correct law. The said order, therefore, is recalled.

Review application is allowed.

The objection of the respondents that the previous judgment may not be required to be reviewed on the basis of the subsequent judgment may not be the correct position in the given facts and circumstances of the case because as of today the degree held by the members of the association have no legal validity in the eye of law. There cannot be two dichotomous positions with regard to one and the same degree i.e. Sahitya Alankar issued by Hindi Vidyapeeth, Deoghar.

(Ajay Kumar Tripathi, J)

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