

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Review No.216 of 2014**

**In**  
**LPA No. 143 of 2013**

- =====
1. Mohan Kumar S/o - Bijay Kumar Mandal, Resident of Village - Basraha, P.S. - Sonamani, Distt. - Araria.
  2. Dilip Kumar Jha, S/o Late Bhawanand Jha, Resident of Village - Rahatmina, P.S. - Kursa Kanta, Distt. - Araria.
  3. Nirmal Kumar Jha S/o Binod Kumar Jha, Resident of Village - Rahatmina, P.S. - Kursa Kanta, Distt. - Araria.
  4. Santosh Kumar S/o Jagdish Prasad Mandal, Resident of Village - Mithi, P.S. - Tarahari, Distt. - Araria.
  5. Gunja Kumari D/o Dilip Kumar Jha, Resident of Village - Pagdera, P.S. - Godam Distt. - Araria.

.... .... Petitioners

Versus

1. Amarkant Mishra, S/O Durganand Mishra, Resident of Village - Laloomani, P.S. - Kursa Kanta, Distt. - Araria.
2. Santosh Kumar Das S/o Anant Das, Resident of Village - Chikhi, P.S. - Kursa Kanta, Distt. - Araria.
3. Bandana Kumari, D/o Sachidanand Mishra, Resident of Village - Jamua, P.S. - Tarabari, Distt. - Araria.
4. Laxman Tatma, S/o Sundar Tatma, Resident of Village - Rajaula, P.S. - Kursa Kanta, Distt. - Araria.
5. Jay Kumar Mandal S/o Sidheshwar Mandal, Resident of Village - Jamua, P.S. - Tarabari, Distt. - Araria.
6. Gautam Kumar, S/o Krishna Mohan Yadav, Resident of Village - Parbatta, P.S. - Kursa Kanta, Distt. - Araria.
7. The State of Bihar.
8. The Director, Primary Education, Patna.
9. The Distt. Magistrate, Araria.
10. The District Teachers Employment Tribunal, Distt. - Araria.
11. The Distt. Superintendent of Education, Araria.
12. The Block Education Extension Officer, Kursa Kanta, Distt. - Araria.
13. The Popularly Elected Mukhiya, Gram Panchayat Raj-Siktia, Block-Kursa Kanta, Distt. - Araria.
14. The Secretary, Gram Panchayat Raj - Siktia, Block - Kursa Kanta, Distt. - Araria.
15. Navin Kumar Chaudhary S/o Naresh Mohan Chaudhary, Resident of Village - Jamua, P.S. - Tarabari, Distt. - Araria.

.... .... Opposite Parties

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**Appearance :**

For the Petitioners : Mr. Chittaranjan Sinha, Sr. Advocate  
Mr. R.K. Rajesh, Advocate  
Mr. Krishna Narayan Jha, Advocate

For the S t a t e : Mr. Binay Kumar Pandey, A.C. to G.A.-3

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**  
**HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
ORAL ORDER  
(Per: **HONOURABLE THE CHIEF JUSTICE**)

This application is filed with a prayer to review the order dated 5.2.2014 passed in L.P.A. No.143 of 2013.

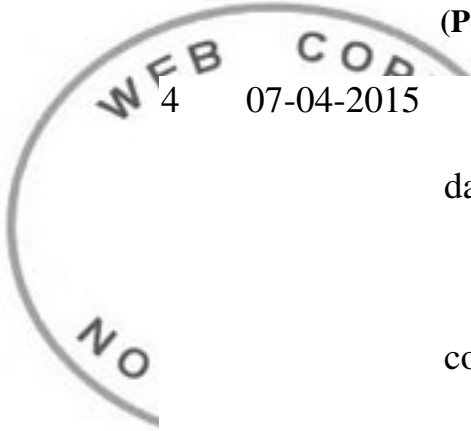
Heard learned counsel for the petitioners and the learned counsel for the opposite parties.

The record discloses that S.L.P. No.12528 of 2014 was preferred against the present order under review before the Hon'ble Supreme Court and the same was dismissed as withdrawn, with liberty to file review petition before this Court through order dated 9.5.2014.

L.P.A. No.143 of 2013 was filed against the order dated 1.10.2012 passed in CWJC No.10706 of 2012. The said appeal was allowed and the writ petition (CWJC No.10706 of 2012) was dismissed with costs.

The grievance of the petitioners herein is that an issue, similar to the subject-matter of the appeal is pending adjudication in another writ petition and since no adjudication was undertaken on merits, the dismissal of CWJC No.10706 of 2012 may not be treated as operating as binding precedent.

We make it clear that the dismissal of CWJC No.10706 of 2012 was not on merits but on the ground of suppression of



facts and thus cannot be construed as the expression of view on the order of the Tribunal, which is challenged in another writ petition. We leave the same open, to be decided on merits.

The review application, thus, stands disposed of.

The interlocutory application, if any, shall also stand disposed of. There shall be no order as to costs.

**(L. Narasimha Reddy,CJ)**

PNM

**(Ashwani Kumar Singh, J)**

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