

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.173 of 2015

In

LPA 1486 of 2014

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Smt. Renu Devi, wife of Pradeep Singh, resident of village + P.O.-
Fatehpur, P.S.- Akbarpur, District- Nawadah

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Government of Bihar at Patna
2. The principal Secretary, Department of Education, Government of Bihar at Patna
3. The Director, Department of Education, Government of Bihar at Patna
4. The District Magistrate, Nawada
5. The District Teachers Appellate Tribunal, Nawada
6. The Selection Committee of Panchayat Samitee, Akbarpur, represented through block Extension officer, Akbarpur Block, Akbarpur, Nawada
7. Block Development officer-cum-Executive Officer, Block Panchayat Samiti, Akbarpur, District-Nawada
8. The Block Education Officer, Block Akbarpur, District- Nawada
9. Uday Prasad Singh, son of Rajendra Prasad Singh, resident of village-Gopalpur, P.S.-Akbarpur, District- Nawada
10. Mahesh Prasad Singh, son of Muni Singh, resident of Narhat, P.S. Narhat, District-Nawada
11. Sunita Kumari, daughter of Sita Ram, resident of Mahavra, P.S. Govindpur, District-Nawada
12. Birendra Kumar Sinha, son of Gauri Shankar Prasad, resident of Khapura, P.S.-Mamo, District-Jehanabad
13. Shabana Naaz, daughter of Md. Idan, resident of Akbarpur, P.S. Akbarpur, District-Nawada
14. Aditya Narain Singh, son of Shiv Nandan Singh, resident of Sevaiya, Gopalpur, P.S. Akbarpur, District-Nawada
15. Ravinder Kumar, son of Kedar Nath Singh, resident of Gonawan, P.S.-Muffasil, District-Nawada
16. Ravindra Prasad, son of Late Raghunandan Prasad, resident of village-Bhobhi, Sasraudha, P.S. Nagarnausa, District-Nalanda
17. Nawal Kishore Pandey, son of Mahender Kishore Pandey, resident of Narhat, P.S. Narhat, District-Nawada
18. Ratan Kumar, son of Arjun Chaudhary, resident of Barauli, P.S. Narhat, District-Nawada
19. Saroj Kumari, D/o Balgovind Prasad, resident of village-Sunka, P.O. Aumraura, District-Nawada
20. Birju Prasad, son of late Ishwer Mahto, resident of Dharampur, P.S. Chandi, District-Nawada
21. Sunita Kumari, D/O Ram Janam Singh Chauhan, resident of village-Maropur, P.S. Akbarpur, District-Nawada
22. Anuj Prasad, son of Rajendra Prasad, resident of village-Hasepur, p.S.Osari, District-Nalanda
23. Kamar Jabin, son of Nazmul Hoda, resident of Akbarpur, P.S. Akbarpur, District-Nawada
24. Shambhu Sharan, son of Arjun Singh, resident of Gopalpur, P.S. Akbarpur,

- District-Nawada
25. Uday Ram, son of Ramjit Ram, resident of Sishar, P.S.-Muffasil, District-Gaya
 26. Ashish Imam, S/o Md. Bali Ahmad, Resident of village Haaiderganj, P.S. Silao, District-Nalanda
 27. Anil Pandey, son of Kapildeo Pandey, resident of Handia, P.S. Nardiganj, District-Nawada
 28. Prasidh Kumar, son of Ramdhani Singh, resident of Dhansura, P.S. Bathani, District-Gaya
 29. Afsar Ali, son of Md. Siyakul, resident of Bari Dargah, P.S. Bundelkhand, District-Nawada
 30. Moti Prasad, son of Lakhan Prasad, resident of Nardiganj, P.S. Nardiganj, District-Nawada
 31. Ramji Prasad, son of Late Ganga Mahto, resident of Kena, P.S. Muffasil, District-Nawada
 32. Kumari Anamika, daughter of Ravindra Prasad, resident of Bhagwanpur, P.S. Chandi, District-Nalanda
 33. Shailendra Kumar, son of Kedar Nath Singh resident of Gonawan, P.S. Nawada, District-Nawada
 34. Sunil Kumar, son of Badri Singh, resident of Malikpur, P.S. Akbarpur, District-Nawada
 35. Jinnat Bano, daughter of Sabir Ahmad, resident of Mirja Toli, P.S. Bundelkhand, District-Nawada
 36. Shyam Sundar Kumar Yadav, son of Mabir Prasad Yadav, resident of Pokhar, P.S. Akbarpur, District-Nawada
 37. Pramila Kumari, daughter of Harinandan Prasad, resident of village-Amawan, P.S. Rajauli, District-Nawada
 38. Kushum Lata, daughter of Krisnakant Chaudhary, resident of Mosma, P.S. Warsaliganj, District-Nawada
 39. Jagdeo Prasad, son of Ramchandra Prasad, resident of village- Akaurh, P.S. Chandi, District-Nalanda
 40. Shabhuddin, son of Abdul Rauf Warsi, resident of village- Akbarpur, P.S. Akbarpur, District-Nawada
 41. Usha Kumari, D/o Shivdhari Prasad, resident of village Bahadurpur, P.S. Chandi, District-Nalanda
 42. Sushila Kumari, daughter of Narain Prasad Singh, resident of village-Jalalpur, Gunjachak, P.S. Chandi, District-Nalanda
 43. Arvind Kumar, son of Nawal Kishore Prasad, resident of village- Gopalpur, P.S. Akbarpur, District-Nawada
 44. Manorama Kumari, daughter of Surendra Kumar, resident of village-Pokhar, P.S. Akbarpur, District-Nawada
 45. Arvind Kumar, son of Janki Ram, resident of village-Gangta, P.S. Warsaliganj, District-Nawada
 46. Sharvan Kumar, son of Ram Narain Singh, resident of village – Bahadurpur, District-Nawada
 47. Kamaluddin, son of Abdul Rauf Warsi, resident of village- Akbarpur, P.S. Akbarpur, District-Nawada
 48. Amrita Devi, D/o Suresh Chauhan, resident of village-Motnaje, P.S. Muffasil, District-Nawada
 49. Yogendra Prasad Singh, son of Achutanand Singh, resident of village-Rame, P.S. Nardiganj, District-Nawada
 50. Baby Kumari, daughter of Dasrath Chaudhary, resident of village-

- Sanokhara, P.S. Akbarpur, District-Nawada
51. Seema Kumari, daughter of Ramlagan Singh, resident of village Baksanda, P.S. Akbarpur, District-Nawada
52. Ajay Kumar Singh, son of Awadhesh Kumar Singh, resident of village-Sikhar, P.S. Moffasil, District-Nawada
53. Purosottam Kumar, son of Girijanandan Singh, resident of village-Gopalpur, P.S. Akbarpur, District-Nawada
54. Rita Kumari, daughter of Jagdish Prasad, resident of village- Makdanbigha, P.S. Chandi, District-Nalanda
55. Arun Kumar Verma, son of Shyam Sunder Prasad Singh, resident of village- Hirdayabigha, P.S.-Harnaut, District-Nalanda
56. Wakil Ahmed, son of Imamuddin, resident of village-Akbarpur, P.S. Akbarpur, District-Nawada
57. Puja Kumari, daughter of Jai Prakash Singh, resident of village-Koriauna, P.S. Sailao, District-Nalanda
58. Satish Kumar, resident of village-Bhadauni, P.S. Nawada, District-Nawada
59. Pramod Kumar, son of Late Gita Singh, resident of village-Gopalpur, P.S. Akbarpur, District-Nawada
60. Sanjay Kumar, S/o Arvind Prasad, resident of village- Devbigha, P.S.- Wena, District-Nalanda
61. Farhat Naaz, daughter of Md. Kamruddin Ansari, resident of village- Rasul Nagar, Gendapur, P.S. Nawada, District-Nawada
62. Uday Prabhakar, son of Madan Mohan Pandey, resident of village-Aungari, P.S. Ekangarsarai, District-Nalanda
63. Sanjay Kumar, son of Ramautar Prasad, resident of Bishay Bigha, P.S. Ekangarsarai, District-Nalanda
64. Rubi Kumari, wife of Sita Ram, resident of village- Mahabra, P.S. Govindpur, District-Nawada
65. Sindhu Rani, wife of Ram Anugrah Singh, resident of village- Orahanpur, P.S.-Nawada, District-Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V.Giri, Sr. Advocate
Mr. Nikhil Kumar Agrawal
Mr. Santosh Kumar Mishra

For the State : Mr. Kinkar Kumar, SC-27

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 17-09-2015

Heard learned counsel for the petitioner and

learned counsel for the State.

The present application has been filed for review



of the order dated 23.6.2015 passed in LPA No. 1486 of 2014. The petitioner was not a party to the writ application, being CWJC No. 22260 of 2013 which was disposed of by order dated 31.7.2014 with a direction to the Employment Agency to comply with the orders of the District Teachers Employment Appellate Authority and the direction to the District Education Officer, if the said order was still in operation and had not been rescinded, recalled or reviewed till then with the further liberty to the petitioner to move the Appellate Authority with a prayer to take steps under the Rules for compliance of the orders.

The petitioner filed Civil Review No. 240 of 2014 for review of the said order of the learned Single Judge but the same was dismissed as having no merit and further holding that it is not disputed that the Appellate Authority exercises powers in terms of the Rules which have statutory force and, therefore, the Appellate Authority is a statutory authority exercising quasi-judicial power and since its order cannot be rescinded or recalled or ignored on the basis of administrative orders of any Officer, which administrative orders of the Director, Primary Education, had been pressed by the petitioner in the petition for recall of the order of learned Single judge under review. Thereafter the petitioner filed LPA No. 1486 of 2014 against the order dated



31.7.2014 passed by the learned Single Judge in CWJC No. 22260 of 2013. This Court by the order dated 23.6.2015, which is sought to be reviewed, after noticing the entire facts and the contention of the review petitioner-appellant therein that several irregularities have taken place in the selection process and without taking the same into account, the Appellate Authority issued directions for implementation of the selection list, came to the conclusion that the present review petitioner-appellant did not have locus standi to file appeal, the reason for the same being that she was Chairman of the Selection Committee and as such she cannot take sides, particularly when selection list was not set aside by any competent authority and the Chairman of the Selection Committee must ensure that the list was implemented and at any rate, the participation of the appellant in the selection for appointment is ex officio and not in her individual capacity. For the said reasons, the appeal was dismissed.

Learned counsel for the petitioner having pressed the present review petition, sought to reargue the entire matter practically calling upon us to sit in appeal over the order dated 23.6.2015 passed in the Letters Patent Appeal including the findings that the petitioner did not have any locus standi in the matter.

We are of the view that once the said finding has been given with reasons assigned for the same, they cannot be looked into in a review application as it would amount to taking a different view of the matter on the same facts, in effect sitting in appeal over the order dated 23.6.2015.

For the aforesaid reasons, we find no merit in the review application. It is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

S.Pandey/-

(Sudhir Singh, J)

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