

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.362 of 2014

In

Civil Writ Jurisdiction Case No. 22614 of 2012

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1. Gita Kumari @ Gita Devi W/o Tarkeshwar Nath, Resident of Village-Bhaiwahiya, P.S.-Parsa, District-Saran at Chapra presently posted as Incharge Head Mistress, Newly Established Primary School, Bhaiwahiya, Block-Parsa in the District of Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Human Resources Development Dapartment, Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The District Programe Officer, Saran at Chapra.
5. The District Education Officer, Saran at Chapra.
6. The Block Development Officer, Parsa in the District of Saran at Chapra.
7. The Block Education Officer, Parsa in the district of Saran at Chapra.
8. The Mukhiya Gram Panchayat Raj, Marar Block Parsa in the district of Saran at Chapra.
9. The Employment Committee through the Panchayat Secretary, Gram Panchayat Raj, Marar, Block Parsa in the district of Saran at Chapra.
10. Sindu Kumari, W/o Gajendra Kumar, Resident of Village-Bhaiwahiya, P.O.-M. Kuyari, P.S.-Parsa, District-Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 23-09-2015 Heard the parties.

This application has been filed for review of the order
dated 21.2.2014 passed in C.W.J.C. No. 22614 of 2012.

Learned counsel for the petitioner submits that order
has been passed behind her back and will cause great
prejudice to her.

Let us examine the claim of the petitioner. For better appreciation it will be proper to quote paragraph no.8 of the aforesaid order:

“In view of the aforesaid situation, this Court feels that instead of calling the present Headmistress to answer the issue raised in this writ petition, the District Magistrate, Saran is directed to examine the case of the petitioner vis-à-vis Smt. Gita Devi, respondent no.10 and take a positive decision on the grievance raised by her. This Court is not giving any opinion on the merit of the case. If the District Magistrate arrived at a conclusion that the petitioner is senior then it goes without saying that Gram Panchayat, Marar should ensure that the petitioner will take charge as Headmistress in terms of rule 17 of the service Rule which itself speaks that power lies with the Gram Panchayat to act in accordance with law. She is directed to file detailed representation along with a copy of this order and the District Magistrate will positively take a final decision within a period of one month from the date of filing of the representation.”

From perusal of the order it appears that this Court has referred the matter to the District Magistrate to look into the

matter and this Court has specifically mentioned that the Court is not giving any opinion on the merit of the case. Petitioner of that case was directed to file detailed representation along with copy of the order and District Magistrate will positively take a final decision within a period of one month from the date of filing of the representation.

This Court is of the view that it is a completely innocuous order causes prejudice or harm to none including the petitioner.

In such view of the matter, there is nothing to review the aforesaid order. Accordingly this petition is disposed of.

(Shivaji Pandey, J)

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