

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.389 of 2014

IN

Civil Writ Jurisdiction Case No. 7525 of 2013

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1. Vidya Karan Bhushan S/o Late Sukhu Das Resident of village - Terasiya, P.O. Ratnakar Hazipur, P.S. Gangabridge, Block - Raghapur, District - Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Education officer, Vaishali at Hajipur
4. The District Programme Officer (Establishment), Vaishali at Hajipur
5. The Block Education Extension Officer, Mahua, Distt. - Vaishali at Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand, Adv.

For the Respondent/s : Mr. Gautam Kumar Yadav, GP 25

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 10-08-2016

Heard learned counsel for the parties.

This review application has been filed for review of the order dated 15.1.2014 passed in C.W.J.C.No.7525 of 2013 by Hon'ble Mr. Justice Mihir Kumar Jha (as his Lordships then was) whereby the writ petition was disposed of in terms of the order passed in C.W.J.C.No.17899 of 2012 on the submission so made by the counsel appearing for the contesting parties.

Mr. Satish Kumar Sinha has appeared for the petitioner while the State is represented by Mr. Gautam Kumar Yadav, A.C. to G.P.26.



The short argument advanced by Mr. Sinha in seeking a review of the order dated 15.1.2014 is that it was a bona fide mistake on the part of the learned counsel for the petitioner to agree to the disposal of the writ petition in terms of the order passed in C.W.J.C.No.17899 of 2012, although the issue raised by the petitioner in his writ petition and the subject matter of C.W.J.C.No.17899 of 2012 were entirely different. He submits that whereas the review petitioner had come before this Court questioning his termination on grounds of doubt being created on his training certificate, on the other hand C.W.J.C.No.17899 of 2012 raised issue of irregularity in a selection process for appointment of primary teachers and was not a case of termination on grounds of irregularity found in the training certificate. Learned counsel in reference to the directions passed by the Court in C.W.J.C.No.17899 of 2012 has submitted that this Court has disposed of the writ petition with direction to the respondents to fill up the 2413 vacant posts of teachers in the light of the directions contained in the order. It is submitted that the case of the petitioner is entirely distinct to the issue raised in the said writ petition. A short counter affidavit has been filed on behalf of the respondents on the review application and the fact pleaded by Mr. Sinha regarding termination of the petitioner on grounds that the training certificate was not issued allegedly by a recognized institution, stands accepted. The parties are

thus in agreement that the mandamus issued by this Court in C.W.J.C. No. 17899 of 2012 did not cover the case of the petitioner in C.W.J.C. No. 7525 of 2013.

Having heard learned counsel for the parties and having perused the judgment and order passed in C.W.J.C.No.17899 of 2012, I am satisfied by the grounds pleaded in the review application and the petitioner has made out a case for review. In result. the order dated 15.1.2014 passed in C.W.J.C.No.7525 of 2013 stands recalled and C.W.J.C.No.7525 of 2013 is restored to its file and may be put for consideration before the appropriate bench as per roster.

This review application is allowed but in the circumstances there would be no order as to costs.

(Jyoti Saran, J)

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