

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Review No.117 of 2015**

**In**

**Civil Writ Jurisdiction Case No. 10496 of 2014**

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Hari Bachan Bhagat Son of Late Ramnath Bhagat Residnet of village  
Chakra , P.O.- Chakra , Police Station - Siwan Muffassil , District - Siwan

.... .... Petitioner/s

Versus

1. The State of Bihar , through its Chief Secretary , Old Secretariat , Patna
2. The Principal Secretary , Education Department , Govt. of Bihar.
3. The Director, Primary Education Govt. of Bihar , New Secretariat, Patna.
4. The District Education Officer, Siwan.
5. The District Programming Officer , (Estiblishment) of Education , Siwan.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Kaushal Kishore Mishra

For the Respondent/s : Mr. Avanindra Kumar Jha, A.C. to AAG-13

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**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**

**and**

**HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)**

3      11-05-2016                      Heard learned counsel for the petitioner and learned  
counsel for the State.

The review application has been filed for review of the  
order dated 23.02.2015 passed by this Court in a public interest  
litigation, being C.W.J.C. No.10496 of 2014.

The P.I.L. was filed for direction to the respondents to  
fulfil their obligation under Section 25 of the Right of Children to  
Free and Compulsory Education Act, 2009 and particularly to  
maintain the pupil-teacher ratio in accordance with the Rules  
framed under the Act.



After hearing learned counsels for the parties and considering the details stipulated in the counter affidavit filed on behalf of the respondents denying the allegations, particularly the stand that wherever any dearth or shortage of teachers was noticed, steps had been taken to fill up the vacancies for which necessary particulars were also annexed, this Court came to the conclusion that except making some vague and general complaints and allegations, the petitioner did not indicate any specific instance of pupil-teacher ratio not being maintained in any institution and accordingly dismissed the writ petition.

The only submission made by learned counsel for the petitioner before us is that the matter was argued by Mr. Bipin Bihari Singh, Advocate, who had prior to the said date given 'No Objection' to the fresh vakalatnama which was executed by the petitioner in favour of Mr. Birendra Nath Mishra, Advocate.

It is, however, not the stand of the petitioner that the name of the other counsel was not found appearing on the daily cause list, rather the stand taken in the writ petition is that after the 'No Objection' from Mr. Bipin Bihari Singh, Advocate, the petitioner engaged Sri Birendra Nath Mishra as his Advocate. The name of Mr. Birendra Nath Mishra, Advocate was printed in the daily cause list and, therefore, it is a matter between the petitioner

and his counsels that after taking 'No Objection' the earlier counsel had still appeared and the subsequent counsel did not even point out or object to the same when the matter was taken up. As the names of the counsels were admittedly appearing on the daily cause list, it was not for the court to look into such aspect of the matter.

The order has been passed considering all aspects of the matter and nothing could be pointed out on merit of the matter by learned counsel for the petitioner to claim review of the same.

The review application is, accordingly, dismissed.

**(Ramesh Kumar Datta, J)**

V.P.Sinha/-

**(Vikash Jain, J)**

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