

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.118 of 2016

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Shyama Devi, wife of Vijay Kant Choudhary, resident of village- Kanhauli,
P.S. Manigachi, District-Darbhanga Petitioner

Versus

1. The State of Bihar through Principal Secretary, Ministry of Human Resources Department, Govt. of Bihar, Patna
 2. The District Magistrate, Darbhanga
 3. Block Development Officer, Manigachi Block, District- Darbhanga
 4. Block Education Officer, Manigachi Block, District- Darbhanga
 5. Mukhiya, Brahmpur Gram Panchayat, Manigachi Block, District- Darbhanga
 6. Panchayat Sachiva, Brahmpur Gram Panchayat, Manigachi Block, District-Darbhanga
 7. Renu Kumari, w/o Uday Kumar Jha, resident of village- Manhauli, P.S. Manigachi, District-Darbhanga
 8. Members, District Teachers Employment Appellate Tribunal, Balbhadrapur, Laheriasarai, Darbhanga Opp.Parties.
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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.

For the Respondent/s : Mr. Durganand Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 03-08-2016

Heard Sri Arun Kumar Jha, learned counsel for the petitioner and Sri Durga Nand Jha, learned counsel for Respondent no.7. None appeared on behalf of the State.

The present petition has been filed with a prayer to review/ recall the order dated 31.03.2016 passed in C.W.J.C.No.16591 of 2011. By the said order, on submission made by learned counsel for the petitioner, the writ petition was dismissed as the writ petition had become infructuous.

Sri Jha, learned counsel for the petitioner submits that due to inadvertence, under wrong impression, on the date

when the case was taken up, he stated that the writ petition was in relation to a dispute regarding appointment of Shiksha Mitra and, as such, he submitted that the post of Shiksha Mitra being abolished, the writ petition had become infructuous. On this submission, the writ petition stood dismissed observing that the same had become infructuous. However, he submits that in the writ petition, there is specific assertion, which suggests that the writ petition was in relation to appointment of Panchayat Teacher.

The submission made by Sri Arun Kumar Jha, learned counsel for the petitioner was not disputed by Sri Durga Nand Jha, learned counsel for the private Respondent.

Normally, after final order passed in a writ petition, review may not be entertained, but in view of peculiar facts and circumstances, particularly the bona fide mistake on the part of learned counsel for the petitioner, the Court is of the opinion that for the ends of justice, it would be appropriate to recall the order.

The review petition stands allowed.

Accordingly, the order dated 31.03.2016 is hereby recalled and the writ petition i.e. C.W.J.C.No.16591 of 2011 be listed for fresh hearing before the appropriate Bench.

NKS/-

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(Rakesh Kumar, J)