

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.434 of 2016

IN

LPA 1915 of 2012

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Bindu Kumari, daughter of Jageshwar Sah, Resident of Village- Larkaniya Tola,
P.S.- Katihar, District- Katihar. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Katihar, District- Katihar.
4. The District Superintendent of Education, Katihar.
5. The Teacher Employment Appellate Authority, Katihar through its Chairman.
6. The Block Development Officer, Pranpur Block, District- Katihar.
7. The Block Education Extension Officer, Pranpur, District- Katihar.
8. The Mukhiya, Gram Panchayat Raj, Bastol, Block- Pranpur, District- Katihar.
9. The Panchayat Secretary, Gram Panchayat Raj, Bastol, Block- Pranpur, District- Katihar.
10. Bibha Kumari, daughter of Shri Shambhu Prasad Yadav, resident of Mohalla- Laliyahi, Ward No. 3, Sahayak Mirchaibari, District- Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Rajeev Kumar Singh, Advocate

For the Respondent/s : Mr. Ashutosh Ranjan Pandey (AAG 15)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-11-2017

Having heard Shri Rajendra Prasad Singh, learned senior counsel for the petitioner, we find that L.P.A. No. 1915 of 2012 filed by the present applicant was disposed of primarily on account of the fact that the appellant was appointed on a vacancy created after removal of Bibha Kumari (respondent no.10). As Bibha Kumari is directed to be reinstated on an appeal filed before the Appellate Authority and it was held that the appellant has to make room for reinstatement of Bibha Kumari and as such the appellant was



appointed on a vacancy fallen after removal of Bibha Kumari, it was held that her removal is not proper.

However, on going through the records of C.W.J.C. No.16314 of 2011, we find that this seems to be incorrect and there is no counter affidavit either by the State Government or by respondent no.10, which indicate that the reason for dismissal of L.P.A. was correct.

That being so, there seems to be the factual error on the face of the record, not only while disposing of L.P.A., but even while disposing of original writ petition (C.W.J.C. No. 16314 of 2011) on 28.03.2012 and, therefore, this issue requires re-consideration.

Accordingly, we allow this application, recall the order dated 03.03.2016 passed by the Division Bench in L.P.A. No. 1915 of 2012, restore the said L.P.A. to its original file and direct for its listing before the appropriate Bench.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.11.2017
Transmission Date	NA

