

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.288 of 2016

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Kaushalendra Kumar, son of Late Kishun Paswan, Resident of village- Jhitkora,
P.S.- Muffasil Akauna, District- Nawadah, at present Assistant Teacher, Middle
School, Kahuara, P.S. Nadirganj, District Nawadah.

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Primary Education, Department of Education, Government of Bihar, Patna
3. The District Magistrate-cum-Chairman of the District Establishment Committee, Nawadah, District- Nawadah
4. The District Establishment Committee, Nawadah, District- Nawadah through its Secretary
5. The District Superintendent of Education, now District Programme Officer Establishment Nawadah, District- Nawadah

.... Respondents

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Appearance:

For the Petitioner : Mr. Suresh Kumar Ishwar, Advocate

For the Respondents :

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 15-03-2017

Heard the review petitioner and learned counsel for the
State.

2. I.A. No. 4611 of 2016 has been filed for condoning the
delay in filing the instant review application.

3. For the reasons stated in the Interlocutory Application,
delay in filing the review petition stands condoned.

4. I.A. No. 4611 of 2016 is accordingly allowed.

5. The review petitioner undisputedly was a teacher in a



Government Middle School in 1990 on basis of Sahityalankar qualification from the Hindi Vidyapith, Deoghar. Treating it to be equivalent to B.A. degree his case was considered by the State and granted promotion. That was now being challenged by the State itself after decades. This is what was challenged in the writ proceedings with success. The writ petition was allowed. The State filed a Letters Patent Appeal. The LPA was allowed by a Division Bench holding thus :-

“Counsel for the Appellants invites our attention to a Division Bench order in LPA No. 953 of 2012 following an earlier order in 2004(1) PLJR 387 (Ganesh Prasad Srivastav vs. Punjab National Bank) holding that the aforesaid qualification was from an unrecognized institution and not therefore not recognized by the State Government.”

6. The review petitioner is aggrieved by this part. He submits that the aforesaid judgment of the Division Bench in Ganesh Prasad Srivastav’s case dealt with an applicant for Bank service. Contention was that as the State Government recognized it as equivalent to graduation the Bank was also so obliged. That was negative.

7. In our view, clearly such a case does not apply to the facts of the case. The facts of the case were overlooked while disposing the Letters Patent Appeal. We are therefore, satisfied that



the Letters Patent Appeal requires rehearing. We would accordingly recall the judgment and order dated 22.08.2013 on ground of error apparent on the face of the record and direct that the Letters Patent Appeal be taken up for admission and hearing at the earliest by an appropriate Division Bench of this Court.

8. The review petition stands allowed.

(Navaniti Prasad Singh, J)

Chandran

(Vikash Jain, J)

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