

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1438 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 18382 of 2011**

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1. Raj Kishore Thakur, Son of Late Kamleshwari Thakur, Resident of Village- Rajni, P.S.- Murliganj, District- Madhepura.
 2. Sudir Kumar, Son of Rajeshwar Singh, Resident of Village- Rajni, P.S.- Murliganj, District- Madhepura.
 3. Sulekha Kumari, Daughter of Bhaiyalal Yadav, Resident of Village- Rajni, P.S.- Murliganj, District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary of Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Madhepura.
4. The District Education Officer, Madhepura.
5. The District Panchayati Raj Officer, Madhepura.
6. The Block Development Officer, Murliganj, District- Madhepura.
7. The Block Education Officer, Murliganj Block, District- Madhepura.
8. The Member, District Teacher Employment Appellate Authority, Madhepura.
9. The Panchayat Secretary, Rajni Panchayat Block Murliganj, District- Madhepura.
10. The Mukhiya, Rajni Panchayat Block Murliganj, District- Madhepura.
11. Sri Narayan Kumar Bharti, Son of Kamleshwari Reshideo at present posted as Panchayat Teacher in Primary School Rajni Milik Panchayat Rajni, P.S.+ Block- Murliganj, District- Madhepura.
12. Sri Amar Kumar Roshan, Son of Ganesh Das at present posted as Panchayat Teacher Middle School Pratap Nagar (East) Panchayat Rajni, P.S.+ Block- Murliganj, District- Madhepura.
13. Rajeev Roshan Son of Darogi Prasad, at present posted as Panchayat Teacher Middle School Pratap Nagar (East) Panchayat Rajni, P.S.+ Block- Murliganj, District- Madhepura.
14. Sri Chandan Kumar Son of Deep Narayan Singh at present posted as Panchayat



Teacher in Primary School Rajni (Harijan)Panchayat Rajni, P.S.+ Block-
Murliganj, District- Madhepura.

15. Smt. Sunita Kumar D/o Dharendra Yadav at present posted as Panchayat Rajni,
P.S.+ Block- Murliganj, District- Madhepura.
16. Smt. Kumari Sushma Rani D/o Binod Prasad at present posted as Panchayat
Teacher in Primary School Rajni Goth Panchayat Rajni, P.S.+ Block-
Murliganj, District- Madhepura.
17. Smt. Prabha Devi D/o Shambhu Prasad Yadav at present posted as Panchayat
Teacher in Primary School Bathnaha Panchayati Rajni, Panchayat Rajni, P.S.+
Block- Murliganj, District- Madhepura.
18. Sri Diwakar Kumar, Son of Raghunandan Sah at present posted as Panchayat
Teacher Middle School Rajni Goth Panchayat Rajni, P.S.+ Block- Murliganj,
District- Madhepura.
19. Arashad Kamal Son of Abdul Shamasad at present posted as Panchayat Teacher
in Primary School Jhakaran, Panchayat Rajni, P.S.+ Block- Murliganj, District-
Madhepura.
20. Sri Arbind Kumar Son of Jarardah Paswan at present posted as Panchayat
Teacher in Primary School Jamuan Japra, Panchayati Rajni, P.S.+ Block-
Murliganj, District- Madhepura.
21. Vivek Kumar Son of Ashok Kumar Vidyarthi, Resident of Village- Rajni, P.S.-
Murliganj, District- Madhepura.
22. Rajeev Kumar, Son of Raghunandan Yadav, Resident of Village- Pratap Nagar,
P.S.- Murliganj, District- Madhepura.
23. Sarashwati Kumari, Daughter of Darogi Pd. Yadav, Resident of Village- Pratap
Nagar, P.S.- Murliganj, District- Madhepura.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Pranav Kumar, Advocate

For the Respondent/s : Mr. Indrashwari Prasad, A.C. to G.A. 3

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**



ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 10-05-2017

Delay in filing of the appeal is condoned considering the fact that the appellants had challenged the order before the Supreme Court. I.A. No. 5413 of 2016 stands allowed.

2. Having heard learned counsel for the parties, we find that the writ petition was disposed of on the basis of concession made by the counsel appearing for the appellants that the matter is squarely covered by a judgment of the Full Bench of this Court. That being so, if the concession was wrongly made and if the judgment of the Full Bench does not cover the issue in question, the only course available to the appellants primarily is to seek review of the order by approaching the same Bench which heard the matter on 18.09.2014. Even though during the course of hearing learned counsel invited our attention to an order passed by the Hon'ble Supreme Court on 15.02.2016 to say that the Hon'ble Supreme Court had directed the appellants to approach the Division Bench of this Court, we find that before the Supreme Court an impression was created that the order dated 18.09.2014 was passed by the Division Bench and, therefore, the Hon'ble Supreme Court directed the appellants to approach the Division Bench but in fact the order passed on 18.09.2014 being by a Single Bench of this Court, the appellants have to approach the Single



Bench seeking review or recall of the order by raising the grounds made in this appeal at the first instance and it would be for the learned Single Bench to consider the aforesaid grievance of the appellants and thereafter the appellants may have recourse to such remedy as may be available.

3. Accordingly, granting liberty to the appellants to seek review or recall of the order by approaching the learned Single Bench which passed the order on 18.09.2014, we dispose of the Letters Patent Appeal.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.05.2017
Transmission Date	

