

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.550 of 2016

IN

Letters Patent Appeal No. 393 of 2015

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Smt. Malti Devi, wife of Sri Shiv Jatan Prasad and daughter of late Harinandandan Sinha, resident of village- Dihra, Police Station- Harnaut, District- Nalanda.

.... Petitioner-Appellant-Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The District Education Officer, Nalanda, Bihar.
4. The Headmistress, Project Girls High School, Harnaut, District- Nalanda.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Ms. Chhaya Kirti and Mr. Saket Anand

For the Respondent/s : AC to AAG 15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-11-2017

Seeking recall or review of an order passed on 11.07.2016 in LPA No. 393 of 2015 this application has been filed and primarily review is sought for on the ground that there are certain factual errors in the matter.

It is said that eight more posts of teachers were sanctioned and one of the posts sanctioned was for the faculty of Music and as the petitioner was appointed as Music Teacher she was entitled to the benefit of recognition under the aforesaid category, this factual aspect of the matter, it is alleged was not taken note of while dismissing the



appeal. However, from the material that has come on record we find that the position with regard to the Project School has been subjected to adjudication before a Full Bench of this Court and after order was passed by the Supreme Court in SLP (Civil) No. 30680 of 2016 a High Power Three Member Committee was constituted and in case of the present petitioner the Three Member Committee considered the case of the petitioner and did not recommend the claim of the petitioner for approval because the petitioner was found to have been appointed against the post of Craft Teacher which was not sanctioned for the school in the Phase 1984-1985. The decision of the State Government is based on the recommendation of the Three Member Committee which had examined the claim of the petitioner and it was found that the petitioner was not entitled for consideration. Once in the light of the order passed by the Hon'ble Supreme Court the Three Member Committee headed by a retired Judge of the Hon'ble Supreme court had examined the matter merely because in some recommendation and communication made by the members of the Managing Committee the name of the petitioner was mentioned as Assistant Music Teacher, we are not inclined to reopen the matter after the Three-Member Committee considered the claim of the petitioner, the same is binding on us and the matter cannot be permitted to be reopened now.



Accordingly, we find no case is made out to review the order in question. This application stands dismissed.

(Rajendra Menon, CJ)

(Ahsanuddin Amanullah, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06/11/2017
Transmission Date	N.A.

