

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.422 of 2017

Arising out of

C.W.J.C. No. 15737 of 2016

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1. Vinit Kumar, son of Late Sitaram Singh, presently posted as Headmaster in Upgraded Middle School, Babhantol, Parna, District- Begusarai
2. Rajeev Kumar Mallik, son of Late Sakhi Chand Mallik, presently posted as Headmaster in Upgraded Middle School (SC), Teghra Ganj, Teghra, District- Begusarai

... .. Petitioner/s

Versus

1. Surya Kant Sharma, son of Muneshwar Prasad Sharma, resident of Village- Kapasiya, Police Station- Town, District- Begusarai
2. The State of Bihar
3. The Principal Secretary of Education, Education Department, Patna
4. The Director, Primary Education, Bihar, Patna
5. The District Magistrate, District- Begusarai
6. The District Education Officer, District- Begusarai
7. The District Program Officer, District- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha, Advocate
Mr. Avanindra Kumar Jha, 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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-11-2017 Having heard learned counsel for the parties, we are of the considered view that now in pursuance to the order passed in the writ petition when the Collector has conducted inquiry and taken action, the petitioners have to challenge the order passed by the Collector, in accordance with law and for the said purpose review application is not maintainable. Once the Collector has complied with the direction issued in Public



Interest Litigation, has conducted inquiry, tenability or otherwise of the inquiry and the contention of the petitioners that the inquiry has been illegally conducted behind his back and without considering the relevant fact is a fresh cause of action to the petitioners which has to be challenged in accordance with law before an appropriate forum and for the said purpose review application is not the proper remedy.

Granting liberty to the petitioners to challenge the Inquiry Report of the Collector and the subsequent action taken in accordance with law raising all such grounds as may be permissible under law, we dispose of the review application.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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