

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.537 of 2018

In
Civil Writ Jurisdiction Case No.21056 of 2018

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Gayatri Kumari @ Gayatri Devi the In-charge Head Master, Rajkiya Buniyadi
Vidyalaya, Gudri, Chapra, P.S. Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar.
3. The Regional Deputy Director Education Saran Division, Chapra.
4. The District Education Officer Saran
5. The District Programme Officer (Establishment) Saran at Chapra.
6. The Block Education Officer, Chapra Sadar-cum- School Sub- Inspector
Chapra Town, District- Saran.
7. Samir Khan Son of Sri Hari Shankar Singh, presently residing at Near BSNL
Office Sandha, at Sandha, P.O. Sandha, P.S. Chapra Muffasil, District- Saran
at present posted as Assistant Teacher, Rajkiya Buniyadi Vidyalaya, Gudri,
Chapra, P.S. Bhagwan Bazar, District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ved Prakash Srivastva

For the Opposite Party/s : Mr.Ashutosh Ranjan Pandey Aag 15

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 19-09-2019 After some arguments, the learned Senior counsel

appearing for the petitioner seeks to withdraw the present

review petition, however, seeks an observation that the order of

this Court dated 31.10.2018 passed in CWJC No. 21056 of 2018

shall not prejudice the fresh writ petition filed by the petitioner

bearing CWJC No. 22881 of 2018 for the reason that the

respondent no.7 herein, who was writ petitioner in the aforesaid

writ petition, had suppressed the fact that the order dated



22.5.2018, by which the District Education Officer, Saran had issued an order stating therein that the respondent no.7 herein would be entitled to work as Incharge Headmaster in the Rajkiya Buniyadi Vidyalaya, Gudri, Chapra inasmuch as she is senior to the petitioner herein, had already been stayed by the Regional Deputy Director of Education, Saran Division, Chapra by an order dated 27.06.2018, i.e. before the Respondent No.7 had approached this Court.

2. It is the contention of the learned Senior Counsel appearing for the petitioner that since the aforesaid order passed by the Regional Deputy Director of Education, Saran Division, Chapra dated 27.06.2018 was not brought to the notice of this Court, the said Regional Deputy Director of Education, Saran Division, Chapra in connivance with the respondent no.7 herein had suspended the petitioner and subsequently the petitioner was transferred from the said Rajkiya Buniyadi Vidyalaya, Gudri, Saran at Chapra.

3. Having regard to the submissions made by the learned Senior counsel for the petitioner as also after hearing the learned counsel for the respondent no.7 herein, who submits that the respondent no.7 has stood transferred from the Rajkiya Buniyadi Vidyalaya, Gudri, Saran at Chapra vide order dated



28.06.2019, I find that nothing survives for consideration in the review petition, however, it is clarified that the order of this Court dated 31.10.2018 shall not prejudice the right and contention of the petitioner herein in the fresh writ petition filed by the petitioner i.e. CWJC No. 22881 of 2018.

4. It is needless to state that the petitioner herein shall be free to agitate before the writ Court, in the pending writ petition, regarding her illegal suspension and illegal initiation of departmental proceeding against her.

5. Accordingly, the present review petition stands disposed of as withdrawn with the aforesaid observation.

6. At this juncture, upon it being pointed out by the learned Senior counsel for the petitioner that the respondent no.7 herein is evading appearance in the aforesaid writ petition, the learned counsel appearing for the respondent no.7 herein submits that the respondent no.7 has already appeared by filing vakalatnama, hence, in case the court feels that the learned counsel is not appearing for the respondent no.7, the Court is free to pass *ex-parte* order.

Tiwary/-

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(Mohit Kumar Shah, J)

