

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16064 of 2018

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1. Rashmi Priya and Ors Wife of Shri Amitabh Choudhari, resident of Block No. 1, Flat nO. 15, Rajendra Nagar, P.S. Kadamkuan, District- Patna.
 2. Anindita Dutt, Wife of Shri Asit Kumar Das, Resident of Das Kutir, East Lohanipur, Kadamkuan, P.S.- Kadamkuan, District- Patna.
 3. Sima Rani, Wife of Shri Rakesh Ranjan Sinha, resident of Gitanjali Apartment, Flat NO. 102, Road No. 4A, Gardanibagh, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Bihar, Patna
2. Director, Directorate of Secondary Education, Department, Bihar, Patna.
3. District Education Officer, Patna.
4. Rabindra Balika Vidyalaya Road No. 2B, Rajendra Nagar, P.S.- Kadamkuan, District- Patna through its
5. Secretary, Rabindra Balika Vidyalaya Road No. 2B, Rajendra Nagar, P.S.- Kadamkuan, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhinav Srivastava, Adv.
For the State : Ms. Abhanjalli, AC to G.A.-12

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 12-09-2022

1. Heard the parties.

2. The petitioners by way of this writ petition has
prayed for the following reliefs:-

“(i) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities in the Directorate of Secondary Education, Education Department, Bihar, Patna to take steps towards granting approval to the appointments of

the present petitioners against the posts of Assistant Teachers in different subjects at Rabindra Balika Vidyalaya, Rajendra Nagar, Patna (hereinafter referred to as “the School”) in view of the recommendation made by the Managing Committee of the said School in accordance with law;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities to take steps towards making payment of current salary as well as arrears of salary due to the present petitioners pursuant to their appointments against the post of Assistant Teachers in the respective subject on the basis of the process of selection conducted by the concerned authorities at this in accordance with law;

(iii) Any other relief/reliefs that the petitioner/petitioners may be found to be entitled to in the facts and circumstances of the present case.”

3. Learned counsel submits that after filing of the present petition, the respondents have taken a decision vide order dated 10.09.2021 and they have rejected the prayer for approval of the appointment made by the Minority Institution.

4. Learned counsel submits that he has filed an I.A. with prayer for adding the prayer in the writ petition and seeks

to challenge the order dated 10.09.2021.

5. I have considered the submission, in the opinion of this Court, the present writ petition where the prayer was to direct the respondent to decide their approval application, has become infructuous. A fresh cause of action has arisen for which the petitioner would have to laid down the basis and ground of challenge.

6. Keeping in view above, the present writ petition is dismissed as having become infructuous with liberty to the petitioner to challenge the new order by taking recourse of law.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 39

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