

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.48 of 2022

In
Civil Writ Jurisdiction Case No.882 of 2021

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Vishwanath Prasad Yadav Son of Asharfi Prasad Yadav Resident of Village-
Hulas Tola, Sahugarh, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Education Department, Bihar, Patna.
2. The Addl. Chief Secretary, Education Department, Bihar, Patna.
3. The Director, Secondary Education Department, Bihar, Patna.
4. The Deputy Director, Bihar Secondary Education Office Buddhmarg, Patna.
5. The Regional Deputy Director of Education, Kosi Division, District- Saharsa.
6. The District Education Officer, Madhepura-cum-presenting Officer, District- Madhepura.
7. The District Programme Officer (Estab.), Madhepura, District- Madhepura.
8. The District Programme Officer (Secondary Education), Madhepura, District- Madhepura.
9. The District Programme Officer (Yojana and Account), Madhepura, District- Madhepura.
10. The Enquiry Officer-cum-Deputy Director, Bihar Secondary Education Office, Buddhmarg, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv.
For the State	:	Mr.Ajay Kumar Rastogi (Aag 10), Mr. Priyadarshi Matri Sharan, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 10-05-2022 The petitioner has moved an application pointing out that inadvertently the case in hand was disposed of in terms of Judgment dated 23.02.2022, passed in C.W.J.C. No. 5489 of 2020 (Suresh Ram Vs. The State of Bihar & Ors.),



whereas the writ application concerns Bihar CCA Rules, 2005, where the order assailed has been passed in a disciplinary proceedings by the Appellate Authority namely the Additional Chief Secretary, Principal Secretary, Education Department.

Learned Additional Advocate General has stated that the Rules of 2010 would not be applicable to cases where the order under challenge has been passed under the Bihar CCA Rules, 2005. He states that it is the stand of the State Government that the District Appellate Authority and the State Appellate Authority would have no jurisdiction to examine the issue relating to the Bihar CCA Rules, 2005.

Keeping in view of the stand taken by the learned Additional Advocate General, on behalf of the State Government, the present case, which was remanded to the District Appellate Authority in terms of Judgment passed in Suresh Ram Vs. The State of Bihar & Ors. case is recalled.

The Review petition is accordingly allowed.



Registry is directed to list C.W.J.C. No. 882
of 2021 again in the consolidated list.

(Sanjeev Prakash Sharma, J)

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