

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7524 of 2023

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Rajesh Kumar S/o Late Parasnath Singh, R/o Village Bandeya, P.O. Bandeya,
P.S. Bandeya, Dist. Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education, Dept. Govt. of Bihar, Patna.
2. The Director Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The District Education Officer, Aurangabad.
5. The District Programme Officer (Establishment), Aurangabad.
6. The Block Panchayat Raj Officer Goh cum Secretary Block Teacher Emplolymment Unit, Goh, Aurangabad.
7. The Block Education Officer, Goh, Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Bashant Kumar Choudhry, Sr. Advocate Mr.Shashi Bhushan Kumar, Advocate
For the Respondent/s	:	Mr.Pramod Kumar Singh, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-06-2023 Heard Mr. Bashant Kumar Choudhry, learned senior counsel assisted by Mr. Shashi Bhushan Kumar, learned counsel for the petitioner and Mr. Pramod Kumar Singh, learned AC to SC-16 for the State.

A short question has arisen for consideration in the present writ petition. The petitioner is aggrieved by and dissatisfied with the order dated 06.03.2023 passed by the State Appellate Authority, Education Department, Bihar, Patna in the case being Token No: Application/ 109/ 2023 which is in the nature of the review application preferred by the District



Education Officer, Aurangabad.

Learned senior counsel for the petitioner submits that the District Education Officer, Aurangabad and the District Programme Officer, Establishment Aurangabad are the review petitioners before the State Appellate Authority. They are seeking review of the order dated 19.01.2023 passed by the Appellate Authority in O.A. No. 321 of 2022.

It is submitted that the review application was listed before the Chairperson (A). The Chairperson (A) took a view that because presently “J” Bench is not functional, the petition filed before “A” Bench cannot be accepted. Accordingly, the Chairperson (“A” Bench) took a view that the review petition be listed before “J” Bench of the ‘Authority’ when it becomes functional. However, till such time the order under review has been stayed.

Learned senior counsel for the petitioner submits that on the one hand, the Chairperson (“A” Bench) did not feel inclined to entertain the review application as it was related to an another Bench but at the same time, the “A” Bench granted stay against the order under review which has created hardship for the petitioner inasmuch as the review application has though remained pending awaiting the start of functioning of the “J”



Bench but the stay order is operating during this period. It is further pointed that the review petition also suffers from limitation and had an opportunity of hearing been given to the petitioner who is O.P. No. 1 in said review petition, he could have taken appropriate plea before the Tribunal.

Learned senior counsel for the petitioner submits that because the “J” Bench is not available now, he would have no objection if this Court directs “A” Bench to hear the review petition expeditiously and dispose it of on its own merit.

Learned counsel for the State does not dispute that the order staying the effect of the order under review has been passed behind the back of the petitioner- Respondent No. 1.

Having regard to the aforementioned facts, this Court deems it just and proper and accordingly set-aside that part of the order dated 06.03.2023 passed by the “J” Bench by which the order under review has been stayed.

This Court has been informed that the “J” Bench is not functioning even at this stage, therefore, this Court deems it just and proper to direct “A” Bench to hear the review petition on its own merit, give appropriate opportunity of hearing to the parties and dispose of the review petition within a period of four months from the date of receipt/ production of a copy of this



order.

It will be open for the review petitioners to seek interim relief, if any, which will be considered by “A” Bench in presence of the petitioner- Respondent No. 1.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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