

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 45 of 2021

In
Civil Writ Jurisdiction Case No.24723 of 2018

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1. The State of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
 2. The Principal Secretary, Education Department, Government of Bihar, Patna.
 3. The Director Primary Education, Bihar, Patna.
 4. The District Magistrate, Gaya.
 5. The District Education Officer, Gaya.
 6. The District Programme Officer, Establishment, Gaya.
 7. The Block Education Officer, Gaya.

... .. Appellant/s

Versus

Nishat Zarin Daughter of Syed Abdul Bari resident of Mohalla - Nala Road, Maroofganj, Police Station- Kotwali, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukund Mohan Jha, Advocate
For the Respondent/s : Mr. Sanjeev Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

13 01-11-2023 The impugned order is essentially on consent, since the learned Single Judge had noticed that the parties are in agreement that the present case is covered by a judgment of a coordinate bench dated 29.02.2016, passed in C.W.J.C. No. 7504 of 2013, and other analogous cases titled as **Ram Babu Singh V. The State of Bihar and Ors.** Only on such agreement that the impugned orders in the writ petition were quashed.



2. The learned Government Advocate submits that there is a substantial difference on facts, which would make the cited decision inapplicable to the facts of the case. In such circumstances, the proper remedy would be a review against the said order.

3. The learned counsel for the respondent informs us that on a similar issue, a Division Bench has held in favour of the petitioner. That also would be a matter which could be urged before the learned Single Judge, if and when a review is filed.

4. The appeal stands disposed, leaving liberty to the appellant to file a review, if so desired.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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