

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.203 of 2017

In
Civil Writ Jurisdiction Case No.30 of 2008

Sanjay Kumar Pandey Son of Shree Bal Mukund Pandey resident of Village -
Chowar, Gram Panchayat, Chowar, under Tankuppa Block, Police Station -
Wazirganj, at present P.S. - Tankuppa, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Department of Panchayat Raj, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Panchayat Raj Officer, Gaya.
5. The Block Development Officer, Tankuppa, Gaya.
6. The Block Education Extension Officer, Tankuppa, Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shantanu Kumar, Advocate
For the Opposite Party/s : Mr.P. N. Shahi, AAG- 6

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 14-12-2023 The present petition has been filed for review of the order dated 18.01.2017 passed in CWJC No. 30 of 2008, whereby and whereunder the writ petition filed by the review petitioner has been dismissed.

2. At the outset, the learned counsel for the respondent-State submits, by referring to the counter affidavit filed in the present case, more particularly paragraph no. 7, that the petitioner has been appointed as Secretary, Gram Kachahari under Chowar Gram Panchayat, Prakhanda-Tankuppa and he is still working on the said post. It is also submitted by the learned counsel for the respondents that the respondents do not intend to



remove the petitioner without taking recourse to the due process of law.

3. At this juncture, the learned counsel for the review petitioner has referred to an order dated 02.03.2009, issued by the Principal Secretary, Panchayati Raj Department, Bihar, Patna, to submit that after the State Government had amended the Bihar Gram Katchahry (Employment, Service Conditions and Duties) Rules, 2007 and Madhyama qualification was made equivalent to matric qualification, it was directed to appoint the petitioner and others. Therefore, it is submitted that since the grievances of the petitioner had already stood redressed before the aforesaid writ petition bearing CWJC No. 30 of 2008 was taken up for hearing on 18.01.2017, the same had been rendered infructuous, hence the Ld. Counsel for the petitioner had instructions to withdraw the writ petition but unfortunately, he could not appear before the Court on 18.01.2017, resulting in the writ petition being dismissed on merits, which may prejudice the case of the petitioner.



4. Having regard to the facts and circumstances of the case, as aforesaid, which has not been denied by the learned counsel appearing for the respondent-State, this Court finds that since the petitioner has already stood appointed by the aforesaid order dated 02.03.2009 and he is also working as Secretary, Gram Kachahari under Chowar Gram Panchayat, Prakhanda-Tankuppa, this Court finds that the prayer of the petitioner for withdrawal of the aforesaid writ petition bearing CWJC No. 30 of 2008 is justified.

5. Accordingly, I deem it fit and proper to recall the order dated 18.01.2017 passed in CWJC No. 30 of 2008 and dismiss the said writ petition as not pressed.

6. The review petition stands disposed off.

(Mohit Kumar Shah, J)

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