

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1488 of 2022

Dr. Poonam Kumari W/o Sri Sushil Kumar, Resident of 02, Shreman Apartment, Rai Jee Ki Gali, East Boaring Canal Road, P.S. - Budha Colony, District – Patna. Petitioner.

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna. Respondents.

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, GP-17
Mr. S.K. Ranjan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 27-06-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. By the present writ application, the petitioner seeks quashing of the order, as contained in Memo No.21 Patna dated 28.12.2021, passed by Director, Secondary Education, Government of Bihar, whereby the previous order passed by the learned Special Secretary-cum-Director, Secondary Education, Government of Bihar, granting promotion in subordinate education service/trained graduate with effect from 21.12.2010 in compliance of the judicial order vide Memo No.911 Patna dated 05.07.2021 has been cancelled/reversed.

3. It appears that in view of the order dated 09.09.2019 passed in C.W.J.C. No.10143 of 2018, the petitioner



had filed a representation on 28.12.2020 before the respondent authorities. The matter was examined in detail by the Special Secretary-cum-Director, Secondary Education, Government of Bihar and being prima facie satisfied had passed the order of promotion with effect from 21.12.2010 and communicated the same to all concerned vide memo no.911 Patna dated 05.07.2021. It further appears that the Director, Secondary Education without considering the entire records including the order dated 09.09.2019 passed in C.W.J.C. No.10143 of 2018 reviewed the order and recalled it.

4. Having learned counsel for the parties, in my considered opinion, a junior officer cannot reverse/recall the order passed by the senior officer in spite of the fact that the said order was passed in compliance of the order passed by this Court. In the result, Memo No.2167 Patna dated 28.12.2021 is hereby quashed and this writ application is allowed.

(Anjani Kumar Sharan, J)

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