

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.284 of 2023**

**In**  
**Civil Writ Jurisdiction Case No.25730 of 2019**

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Nutan Kumari, Wife of Late Shambhu Prasad Singh and Daughter of Late Parmanand Chaudhary, Resident of Aakanchha House No. 31, I.A.S. Colony, Post Office- Danapur Cantt, District- Patna, Presently residing at C/o Shambhu Prasad Singh, B.18 U/G/F, Paryavaran Complex, Saidullahjab, IGNOU Road, Mehrauli, South Delhi, Delhi-110030.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education Officer, Bihar, Patna.
3. The District Education Officer, Patna.
4. The District Programme Officer (Establishment), Patna.
5. The School Sub Inspector, Golghar, Bankipur, Patna.
6. The District Provident Fund Officer, Patna.
7. The Accountant General, Bihar, Patna.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Arun Kumar, Adv.            |
| For the Opposite Party/s | : | Mr. Sarvesh Kumar Singh, AAG-13 |
| For the AG               | : | Dr. Anand Kumar, Adv.           |
|                          |   | Mr. Rajan Prakash, Adv.         |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      05-07-2024

Heard the parties.

2. The petitioner by filing the present application seeking review of the order dated 02.11.2022 passed in C.W.J.C. No. 25730 of 2019, whereby the writ petition stood dismissed on account of the prayer made on behalf of the petitioner



seeking permission to withdraw the application.

3. It is submitted on behalf of the petitioner that as the petitioner was not in possession of original appointment letter and thus when it was asked by the respondents to produce the original copy of the appointment letter, she thought it proper to withdraw the application on account of non-availability of the appointment letter. However, subsequent to the order, the petitioner after sincere efforts got the original copy of the appointment letter and thus the present review application for recall of the order dated 02.11.2022.

4. Suffice it to say that the writ petition was sought to be withdrawn by the petitioner and, as such, this Court does not find any merit in the review application. It is trite law that unconditional withdrawal of the earlier writ petition would bar the second petition on the same cause of action.

5. However, in view of the submissions on behalf of the petitioner, the dismissal of the review petition would not come in the way to the petitioner, if he files a fresh writ petition for her rightful claim, which is based on appointment letter, which could not be produced at the time when the order is passed and for any other claim admitted by the respondent authorities.



6. The review petition stands dismissed with the liberty aforesaid.

**(Harish Kumar, J)**

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