

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.70 of 2022

In
Civil Writ Jurisdiction Case No.3249 of 2021

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Gita Devi Daughter of Late Ramchandra Paswan, wife of Satya Narayan Paswan, resident of Village- Singhiya Khurd, P.O. and P.S.- Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Education Officer, Samastipur.
5. The District Programme Officer, Establishment, Samastipur.
6. The Head Master, Janta Higher Secondary, Akhtiyarpur Chandrauli, Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Ajay Kumar Rastogi (AAG 10)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 03-07-2025 Heard the parties.

2. The present petition has been preferred for the grant of following relief(s):

“against the order dated 24.03.2022 passed in C.W.J.C. No. 3249/2021, passed by Hon'ble Mr. Justice Sanjeev Prakash Sharma (as his lordship then was). Whereby and whereunder writ petition has been disposed of in light of Judgment dated 23.02.2022 passed in CWJC No. 5489/2020 (Suresh Ram Versus The State of



Bihar & ors) and connected matter reported in 2022 (2) B.L.J., 381 and Judgment dated 7.03.2022, passed in C.W.J.C. No. 34/2022 (Meenakshi @ Sushri Meenakshi Versus The State of Bihar & Others) but the case of petitioner is not covered by the aforesaid judgment.”

3. The writ petition was preferred for the grant of following relief(s):

(i) For issuance of any appropriate writ or writs, Rule or direction especially in the nature of mandamus, directing the respondents to make appointment to the petitioner either on Class 3rd. Post or Class 4th. Post on the basis of Compassionate ground as the petitioner is eldest daughter of her Late father, who died during the course of his duty posted as Peon in Janta Higher Secondary School, Akhtiyarpur Chandrauli under the District of Samastipur.

(ii) For issuance of any appropriate writ or writs rule or direction as this Hon'ble Court may found proper to the fit and facts and the



circumstances of the case, as well as for which the petitioner being a lady and sole bread earner is found entitled thereto.

4. The matter was taken up by the learned Writ Court on 24.03.2022 and the following order was passed:

Heard the parties.

Considering it that this matter is covered by the judgment dated 23.02.2022 passed in C.W.J.C. No. 5489 of 2020 (Suresh Ram Vrs. The State of Bihar & Ors.) and connected matters reported in 2022 (2) B.L.J., 381 and the judgment dated 07.03.2022 passed in C.W.J.C. No. 34 of 2022 (Minakshi @ Sushre Minakshi & Anr. Vrs. The State of Bihar & Ors.), this petition is disposed of with the above terms.

If an appeal is preferred before the District Appellate Authority/State Appellate Authority the same shall be taken-up at the earliest and preferably decided within a period of three months.

5. Aggrieved, the present review petition.

6. Learned counsel for the petitioner now has



preferred the civil review and the submission is that in each and every district, the District Compassionate Committee is running under the Chairmanship of the District Magistrate which is the only authority to take decision. The writ petition was filed for compassionate appointment but considering it to be an education matter, it was sent to the appellate authority.

7. In support of the aforesaid contention that the writ petition be revived, the Division Bench judgment dated 18.01.2023 in LPA No. 255 of 2022 (Dhananjay Singh vs. State of Bihar and Ors.) and analogues case have been provided to the Court.

8. The relevant part of the aforesaid LPA No. 255 of 2022 (Dhananjay Singh vs. State of Bihar and Ors.) read as follows:

“Learned counsel for the appellants submitted that the decided case in the case of Suresh Ram is in respect of such of those persons who were appointed as Panchayat Teacher in the respective Panchayat. On the other hand, appellants' case are that they were appointed as Teacher in the Education Department of State of Bihar and they were recruited through the BPSC



and they are governed by a separate rule of recruitment. Therefore, the cited decision by the learned Single Judge is not applicable to the case of the appellants.

The aforementioned statement has not been disputed by the learned State Counsel.

In the light of these facts and circumstances, order of the learned Single Judge dated 22.03.2022 passed in C.W.J.C. No. 2804 of 2022 is set aside and all the C.W.J.C. petitions are remanded to the learned Single Judge.”

9. A perusal of the aforesaid order dated 18.01.2023 by the Division Bench shows that taking note of the fact that the subject matter was different, the order of the learned Single Judge dated 22.03.2022 in CWJC No. 2804 of 2022 was set aside and all the writ petitions were remanded to the learned Single Judge.

10. Learned State counsel has also gone through the Division Bench judgment and concurs to the submission put forward by the learned counsel for the petitioner that the subject matter of this case is entirely different and in that background, erroneously, the matter was referred to the appellate authority.



11. In that background, the Civil Review is allowed, the order passed in CWJC No. 3249 of 2021 on 24.03.2022 is recalled with a direction to resurrect CWJC No. 3249 of 2021 and present it before an assigned Bench.

12. Office to do the needful.

13. Accordingly, the Civil Review stands disposed of.

(Rajiv Roy, J)

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