

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.72 of 2022**

**In**  
**Civil Writ Jurisdiction Case No.4295 of 2021**

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Riya Kumari @ Riya Devi Wife of Panna Lal Chaurasiya, resident of Village  
and P.O. - Amawan, P.S. - Chainpur, District - Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Government of Bihar, Patna.
2. The Director, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Kaimur.
4. The Chairman, the District Compassionate Selection Committee, Kaimur.
5. The District Education Officer, Kaimur.
6. The District Programme Officer, Establishment, Kaimur.
7. The Block Development Officer, Block Adhaura, District - Kaimur.
8. The Block Education Officer, Block - Adhaura, District- Kaimur.

... .. Opposite Party/s

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**Appearance :**

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

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

5      03-07-2025                      Heard the parties.

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

*“against the order dated 30.03.2022 passed in  
C.W.J.C. No. 4295/2021, 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 concerned to make appointment to the petitioner on the Class 3<sup>rd</sup> Post on the basis of Compassionate ground.*

*(ii) For issuance of any appropriate writ or writs rule or direction as your Lordship may found proper to the facts and the circumstances of the case, as well as for which the petitioner may be found entitled thereto.*

4. The matter was taken up by the learned Writ Court on 30.03.2022 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. 4295 of 2021 on 30.03.2022 is recalled with a direction to resurrect CWJC No. 4295 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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