

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.80 of 2022

In
Civil Writ Jurisdiction Case No.6987 of 2021

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Rukmini Devi Wife of Shri Kashinath Sharma Resident of Village-
Samsuddinpur, P.O. and P.S.- Revelganj, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development (Department of Education), Government of Bihar, New Secretariat, Patna.
3. The Principal Secretary, Department of Personal and Administrative Reforms now known as Department of General Administration, Government of Bihar, Old Secretariat, Patna.
4. The Director, Secondary Education, Department of Human Resources Development (Department of Education), Government of Bihar, New Secretariat, Patna.
5. The Director, Mass Education (Jan Shiksha)-cum-Additional Secretary, Department of Human Resources Development (Department of Education), Government of Bihar, New Secretariat, Patna.
6. The Director (Administration)-cum-Additional Secretary, Department of Human Resources Development (Department of Education), Government of Bihar, New Secretariat, Patna.
7. The Regional Deputy Director of Education, Saran Division, District- Saran at Chapra.
8. The District Magistrate/Collector, Saran, District- Saran at Chapra.
9. The District Education Officer, Saran, District- Saran at Chapra.
10. The District Mass Education (Jan Shiksha) Officer, Saran, District- Saran at Chapra.
11. The District Programme Officer (Establishment), Saran, District- Saran at Chapra.
12. The District Programme Officer (Literacy), Saran, District- Saran at Chapra.
13. The District Programme Officer (Panning and Account), Saran, District- Saran at Chapra.
14. The District Treasury Officer, Saran, District- Saran at Chapra.
15. The Principal, Sadhulal Prithvi Chandra High School, Kataharibag, Chapra Town, District- Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate
For the Opposite Party/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-07-2025 Heard the parties.

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

“review of the order dated 31st March 2022 passed in Civil Writ Jurisdiction Case No. 6987 of 2021 [Rukmini Devi Vs. The State of Bihar and Others] by Hon'ble Mr. Justice Sanjeev Prakash Sharma, one of the Hon'ble Justices of this Hon'ble Court whereby and whereunder the writ petition was disposed of after treating the same to be covered under the judgement dated 23rd February 2022 passed in CWJC No. 5489 of 2020 (Suresh Ram Vs. The State of Bihar and Others) and connected matters reported in 2022 (2) Bihar Law Journal 381 and the judgement dated 7th March 2022 passed in CWJC No. 34 of 2022 (Minakshi @ Sushre Minakshi and Another Versus The State of Bihar and others) with liberty to the petitioner to file an appeal before the District Appellate Authority/State Appellate Authority.”

3. The writ petition was preferred for the grant of



following relief(s):

“i. For issuance of a writ in the nature of certiorari for quashing and setting aside the order issued vide Memo No. 1716 dated 6.11.2020 (Annexure-12 of the writ application) by the Director, Mass Education (Jan Shiksha)-cum-Additional Secretary Department of Human Resources Development (Department of Education), Bihar, Patna (respondent no. 5), whereby and where under the petitioner has been awarded punishment of dismissal from service with immediate effect and also directed to make recovery of paid salary in one time which has been paid to the petitioner during her service period, without initiating departmental proceeding against the petitioner and without providing opportunity of hearing to the petitioner.

ii. For further quashing and setting aside the official order issued vide Memo No. 4538 dated 11.11.2020 (Annexure-13 of the writ application) issued by joint signature of the District Education Officer, Saran at Chapra and the District



Programme Officer (Establishment), Saran at Chapra (responden...

iii. Further for issuance of writ in the nature of mandamus directing /commanding the respondents' especially respondent nos. 5, 9 and 11 to reinstate the petitioner in her service along with all benefits with effect from 6.11.2020.

iv. Further for directing/commanding the respondents to grant stay with immediate effect on the orders issued vides Memo No.1716 dated 6.11.2020 and Memo No.4538 dated 11.11.2020 (Annexure 12 & 13 of the writ application) during pending/disposal of the present writ application.

v. Further for direction to the authorities/respondents concerned to punish the erring Officials and pay compensation to the petitioner for mental agony, physical and financial harassment of the petitioner and her family members who suffers a lot due to illegal dismissal from service of the petitioner.

vi. For any other relief/reliefs for which the petitioner is entitled to in accordance with



law.”

4. The matter was taken up by the learned Writ Court on 31.03.2022 and the following order was passed:

“Heard the parties.

The case is being taken up from the defect side.

Learned counsel for the petitioner is directed to submit the original petition along with attested affidavits and also remove the defects pointed out by the Registry within two weeks from today.

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 & Ars. 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. The case of the petitioner is that entirely different prayer was there before the writ Court which is not the subject matter of the appellate authority where the matter was sent but alongwith the batch cases and taking note of the similar order passed in Suresh Ram (CWJC No. 5489 of 2020), the matter was disposed of.

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 analogous cases have been provided to the Court.

8. The relevant part of the 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 with the submission of



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 review petition is allowed.

12. The order passed in CWJC No. 6987 of 2021 on 31.03.2022 stands recalled.

13. Office to do the needful and place the CWJC No. 6987 of 2021 before an appropriate Bench.

14. The review petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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