

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.86 of 2022**

**In**  
**Civil Writ Jurisdiction Case No.15282 of 2021**

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1. Bharat Bhusan Son of Late Shyam Kishore Choudhary Resident of Village and P.O.- Rupauli, P.S.- Musrigharari, District- Samastipur.
  2. Sidarth Shankar Sharma Son of Nawal Kishor Prasad Singh, Resident of Ward number 14, Meghaul, P.S.- Khudawandpur, District- Begusarai.
  3. Kaushalya Devi wife of- Balram Paswan, Resident of Village and P.O.- Jokia, P.S.- Bhagwanpur, District- Begusarai.
  4. Jay Jay Ram Das son of- Late Kamleshwari Mochi @ Kamleshwari Das, Village- Bind Toli, PO and PS- Sahebpur Kamal, District- Begusarai.
  5. Santosh Kumar S/o- Rajendra Singh, Resident of Ward number 18 P.O. and P.S.- Sihma, District- Begusarai.
  6. Rajnish Kumar Son of Late Ravindra Kumar Singh, Resident of Village- Swami Sahjanand, P.O.- Mohanedhu, P.S.- Mufsil, District- Begusarai.
  7. Anand Kumar Son of Rammurti Singh Resident of Village- Pansalla, P.O.- Bhairwar, P.S.- Mufassil, District- Begusarai.
  8. Mohammad Ehsaan Son of Late Mohammad Idrish, Resident of Ward Number 7, P.S.- Sahebpur Kamal, District- Begusarai.
  9. Vijay Prakash Son of Late Hareram Paswan, Resident of Village and P.O.- Sahuri, P.S.- Veerapur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The Regional Deputy Director (Education), Munger Division, Munger.
4. The District Education Officer, Begusarai.
5. The District Education Officer, Khagaria.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : None  
For the Opposite Party/s : Mr. Ajay Kumar Rastogi (AAG-10)

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

4      03-07-2025      No one appears on behalf of the petitioner though the  
State is present.



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

*“for review/modification of the order dated 13.04.2022 passed in CWJC number 15282 of 2021 by Hon'ble Mr. Justice Sanjeev Prakash Sharma whereby this Hon'ble Court directed the petitioners to prefer appeal before District Appellate Authority/ State Appellate Authority with respect to their dispute. The review/modification of the order dated 13.04.2022 is sought to the extent that the competent authority to adjudicate the grievance of petitioners is respondent number 3, the Regional Deputy Director (Education), Munger Division, Munger and the same may be directed to adjudicate the matter.”*

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

*(i) For issuance of an order /direction /writ including the writ in the nature of 'Mandamus' commanding the respondents for granting the present petitioners pay scale of Rs 4000-100-6000 in light of order dated 23.06.2017 of this Honourable court passed in LPA number 167 of*



2016.

(ii) For issuance of an order/direction/writ including the writ in the nature of 'Mandamus' commanding the respondents to make payment of arrears of difference of amount of salary in the pay scale of Rs 4000-100-6000.

(iii) For issuance of an appropriate declaration holding that petitioners are entitled for the payment of salary in pay scale of Rs 4000-100-6000.

(iv) For any other relief(s) to which the Petitioners may be found entitled of in the facts and circumstances of the present case.”

4. The matter was taken up by the learned Writ Court on 13.04.2022 and the following order was passed:

*“Heard the parties.*

*The case is being taken up from the defect side.*

*Learned counsel for the petitioners 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 vs. 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. 15282 of 2021 on 13.04.2022 stands recalled.

13. Office to do the needful and place the CWJC No. 15282 of 2021 before an appropriate Bench.

14. The review petition stands disposed of.

**(Rajiv Roy, J)**

Adnan/-

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