

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.87 of 2022

In
Civil Writ Jurisdiction Case No.12638 of 2021

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Pradeep Mochi Son of Late Jagdish Mochi Resident of Village- Mainak Tola,
Ward No.9, Mokama, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Deputy Director, Secondary Education, Bihar, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer, Patna.
6. The Principal, Sri Krishna Marwari Secondary School, Mokama, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Barun Kumar Choudhary
For the Opposite Party/s : Mr.Ajay Kumar Rastogi (Aag 10)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-07-2025 Heard the parties.

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

*“to review the order dated 12.04.2022 passed by
HMJ Sanjeev Prakash Sharma (as his lordship then
was) in C.W.J.C No. 12083 of 2021 whereby and
where under writ petition was disposed of in light of
judgment dated 23/02/2022 passed in CWJC No.
5489 of 2020 (Suresh Ram Vrs. The State of Bihar &
Others) and the judgment dated 07/03/2022 passed*



in CWJC No. 34 of 2022 (Minakshi @ Sushri Minakshi & Anr. Vrs. The State of Bihar & Ors.).”

3. The writ petition was preferred for the following relief:

(i) for issuance of writ in the appropriate nature for quashing of the letter dated 4.4.2019 issued under the signature of In-charge Principal/Head Master of Sri Krishna Marwari the Secondary School Mokama, Patna, whereby and where under engagement of the petitioner has been cancelled without asking any show- cause perverse to the document without considering the earlier notification and decision of the then Managing Committee;

(ii) for further direction to the Respondents authority to allow the petitioner to resume his post as In-charge Head Master of the said School has taken charge from the petitioner by taking key w.e.f. 4.4.2019;

(iii) for further direction to the Respondents authority to dispose of the representation dated 07.02.2020 of the petitioner by reasoned and speaking order within time framed which was filed in the light of order dated 08.07.2019 passed in



C.W.J.C.No.13526 of 2019;

(iv) for further direction to the Respondents authority reinstate the to petitioner in service on the said post (Night Guard) as he was working earlier.

(v) and for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.

4. The matter was taken up by the learned Writ Court on 12.04.2022 and the following order was passed:

“Heard the parties.

The case is being taken up from the defect side.

Learned counsel for the 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. Learned counsel for the petitioner submits that a perusal of the writ petition would show that it was related with the case in question inasmuch as the petitioner wanted quashing of the letter dated 04.04.2019 issued by the In-Charge Principal/Headmaster, Sri Krishna Marwari the Secondary School Mokama, Patna by which his engagement was cancelled.

7. It has been contended that Sri Krishna Marwari Secondary School, Mokama is a Govt. School and the Respondents authority having control over the same.

8. It has been submitted that since in the whole of the State, the working staff either 4th Grade and 3rd Grade are lesser than sanctioned strength of employee and keeping in mind of security of computer lab and other equipment of the Government Middle School, a general direction was issued under the signature of the then Director, Secondary Education on 5.1.2009 informing



to all the District Education Officer and copy was forwarded to all concerned Headmasters, a guideline was issued for taking work as daily wages employee to the security of computer and other articles of the School holding a meeting of Management Committee on fixed honorarium.

9. Learned State Counsel concurs with the submissions put forward by the learned counsel for the petitioner.

10. This Court has gone through the prayer of the writ petition as also the order passed by the Division Bench in LPA No. 255 of 2022 (Dhananjay Singh vs. State of Bihar & Ors) and is of the opinion that the matter has to be placed before the learned Single Judge/an appropriate Court. 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 taking note of the similar order passed in Suresh Ram (CWJC No. 5489 of 2020), the matter was disposed of.

11. In that background, the review petition is disposed of. The order dated 12.04.2022 is recalled. The writ petition be placed before an appropriate bench.

(Rajiv Roy, J)

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