

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.141 of 2023
In
Civil Writ Jurisdiction Case No.2989 of 2022

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Sita Kumari Wife of Late Dinesh Prasad Singh, Resident of Mohalla - North of Lakhisarai Block, Ward No. 5, Post Office, Police Station and District- Lakhisarai, retired Assistant Teacher, Project Girls High School, Karande, Block - Chewara, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Regional Deputy Director of Education (R.D.D.E.) Munger Division, Munger.
4. The District Education Officer, Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Opposite Party/s	:	Mr. Sarvesh Kumar Singh (AAG-13)
		Mr. Anjaneya Singh, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2025 Heard the parties.

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

“against the order dated 22.03.2022 passed in C.W.J.C. No. 2929 of 2022, 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):

“commanding and directing upon the Respondents concerned specially Respondent No. 3 to consider the claim of petitioner for grant 1st, 2nd MACP taking into consideration the date of initial appointment on the post i.e. 05.01.1981 but Government has approved w.e.f. 01.01.1982 to all the similarly situated teachers of the school including petitioner and the same has been approved by this Hon'ble Court also in



cases of similarly situated teachers and they have been granted the benefit also but the petitioner has been granted 1st and 2nd M.A.C.P. treating the date of appointment as 01.04.1986 from when regular salary has been paid; and granted 1st and 2nd M.A.C.P w.e.f. 31.03.2006 and respectively which 01.01.2009 should be rescheduled w.e.f. .01.2002 and 01.01.2009 respectively which has not been extended to the petitioner.

(ii) For further direction to pay the consequential difference of salary accrued out of shifting the date of grant of 1st & IInd MACP taking into consideration the date of initial appointment 1.e.05.1.1981 (approved by Government w.e.f. 01.01.1982) the same has been granted vide Memo No. 1948 dated 19.12.2019 issued from the level and Respondent No. 3 whereas petitioner has retired from post of Assistant Teacher on 31.12.2010 and copy of above mentioned Memo No. 1948 dated 19.12.2019 is not made available to petitioner



despite efforts.

(iii) For any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.

4. The submission is that the matter was taken by a Bench of this Court passed by Hon'ble Mr. Justice Sanjeev Prakash Sharma (as his lordship then was) and along with batch cases, the matter was disposed of in light of Judgment dated 23.02.2022 passed in C.W.J.C. No. 5489/2020 (Suresh Ram Versus The State of Bihar & ors) reported in 2022 (2) B.L.J., 381.

5. Learned counsel for the petitioner submits that the prayer was entirely different but erroneously, it was tagged with the Education Bench, got the said order.

6. The learned State counsel echoes the submission of the learned counsel for the petitioner and submits that the claim put forward by the petitioner is/was entirely different.

7. In that background, having taken note of the fact as also gone through the prayer in the writ petition, the Civil Review No.141 of 2023 is allowed, the order passed in C.W.J.C. No. 2989 of 2022 on 22.03.2022 is recalled. Let C.W.J.C.



No.2989 of 2022, (Sita Kumari v. The State of Bihar and Others) be placed before an appropriate Bench

8. Accordingly, the Civil Review stands disposed of.

(Rajiv Roy, J)

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