

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.141 of 2022

In
Civil Writ Jurisdiction Case No.12083 of 2021

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Ruby Kumari @ Rubi Devi wife of Late Amarjit Kumar Singh @ Amardeep Singh and Daughter of Late Brajnandan Chaudhary, Resident of Village and Post - Gaunda, P.S. - Teghra, District - Begusarai, PIN - 851113.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Munger Division, Munger.
5. The District Education Officer, Munger.
6. The District Program Officer (Establishment), Munger.
7. District Compassionate Committee through the District Magistrate, Munger.
8. The District Magistrate, Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Nath, Advocate
For the Opposite Party/s : Mr. Smt. Shilpa Singh (GA-12)

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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):

*“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:

“for issuance of appropriate writ(s)/order(s)/direction(s) to the respondents to appointment the petitioner on compassionate ground after the death of her father, who died in harness while working as Clerk (Lipik) in the Office of District Program Officer (Establishment), Education Department, Munger; respondent no. 6.”

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. 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. 12083 of 2021 on 12.04.2022 stands recalled.

13. Office to do the needful and place the CWJC No. 12083 of 2021 before an appropriate Bench.

14. The review petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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