

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.142 of 2022

In
Civil Writ Jurisdiction Case No.12750 of 2021

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1. Niraj Kumar Ram son of Ramashary Ram, Resident of Chakiya Harijan Kaloni, Ward No. 10, Police Station-Chakiya, District-East Champaran.
 2. Gopal Krishna, son of Ramchantra Bhagat, Resident of Village-Koilahara Math, Police Station-Madhuban, District-East Champaran.
 3. Nand Kishore Prasad, Son of Rambabu Prasad, Resident Saw Kotha Road, Main Market Bhawanipur, Police Station-Sangrampur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The State Council of Educational Research and Training through the Director, Mahendru, Patna-800006 (Bihar).
3. The Director, the State Council of Educational Research and Training, Mahendru, Patna-800006 (Bihar).
4. The District Education Officer, East Champaran at Motihari.
5. The Principle Block Education and Training Institute, Dariyapur, District-East Champaran.

... .. Opposite Party/s

Appearance :

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

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 in
C.W.J.C. No. 12750 of 2021, passed by Hon'ble
Mr. Justice Sanjeev Prakash Sharma (as his
lordship then was). Whereby and whereunder*



writ petition has been disposed of.

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

(i) For commanding the respondents to make payment of remuneration to the petitioners for the work having been discharged by them as guest faculty in the Block Education and Training Institute, Dariyapur, East Champaran pursuant to the work as assigned to them by the respondents.

(ii) For commanding the respondent no.2 & 3 to pass an appropriate order in regard to making payment of remuneration to the petitioner on the basis of bill of payment issued by the respondent no.5 as contained in letter no. 60 dated 29.09.2020 (Annexure-3) as well representation (Annexure-4) as filed by these petitioner in that regard.

(iii) Also for any other relief(s) for which petitioners are found to be entitled in view of the facts and circumstances as well as in 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 petitioners is directed to submit the original petition along with attested affidavit and also remove all 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 & Anr. 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 now has preferred the civil review and the submission they moved before the Court for grant of remuneration having worked as guest faculty in Block Education and Training Institute, Dariyapur, East Champaran. However, alongwith batch cases and considering it to be education matter, sent to Appellate Authority.

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 analogues case have been provided to the Court.

8. The relevant part of the aforesaid 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 to the submission put forward by 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 Civil Review is allowed, the order passed in CWJC No. 12750 of 2021 on 12.04.2022 is recalled with a direction to resurrect CWJC No. 12750 of 2021 and present it before an assigned Bench.

12. Office to do the needful.

13. Accordingly, the Civil Review stands disposed of.

(Rajiv Roy, J)

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