

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.208 of 2023

In
Civil Writ Jurisdiction Case No.16544 of 2021

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Shashi Kala Wife of Shri Krishna Jee Srivastava, Resident of Pushvihar Colony, Bhadra Ghat, Sampatchak, P.O.- Gulzarbagh, P.S.- Agamkuan, District- Patna, Pin Code- 800007.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. Director, Primary Education, Bihar, Patna.
3. Regional Deputy Director of Education, Patna Division, Patna.
4. District Education Officer, Patna.
5. District Programme Officer (Establishment), Patna Division, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Sr. Advocate Ms. Shreyasi Raj, Advocate
For the Opposite Party/s :		Mr. Ravi Kumar, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-08-2025 Heard Ms. Shreyasi Raj, learned counsel for the review petitioner and Mr. Ravi Kumar, AC to AAG-13.

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

“against the order and judgment dated 18.04.2022 passed by Hon’ble Mr. Justice Sanjeev Prakash Sharma (as his lordship then was) in CWJC No. 16544 of 2021 by which the said writ application has been disposed of.”



3. The petitioner came before this Court in CWJC No. 16544 of 2021 (Shashi Kala vs The State of Bihar & Ors.) with the following prayer.

“(i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the office order dated 12/07/2021 bearing memo no. 823 issued from the office of the Regional Deputy Director of Education, Patna Division, Patna, by which in terms of the provisions contained under the rule 43(b)/139 of the Bihar Pension Rules, 100% pension, gratuity and leave encashment of the petitioner has been directed to be permanently withheld;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Education Department of the State Government to take steps towards allowing payment of pension, gratuity, leave encashment and other consequential benefits that the petitioner may be found to be entitled to after quashing of the impugned office order dated



12/07/2021 bearing memo no. 823;

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Education Department of the State Government to take steps towards extending the benefits of financial progression under the Assured Career Progression Scheme/Modified Assured Career Progression Scheme as may be found admissible to the petitioner, which had not been paid to her during her service in the capacity of Assistant Teacher as a member of the Lower Subordinate Education Service (Female Cadre) under the Education Department of the State Government;

(iv) Issuance of a declaration holding that the action on the part of the concerned respondent authorities in passing the impugned office order dated 12/07/2021 bearing memo no. 823 is untenable in the eyes of law and further that the petitioner is entitled for being extended all the retirement benefits, including payment of



monthly pension, gratuity, leave encashment and also other benefits that she has been denied during the course of her service in the capacity of Assistant Teacher in the services of the Education Department of the State Government;

(v) Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

4. The case was tagged with education matter and placed before a Bench of this Court [*Hon’ble Mr. Justice Sanjeev Prakash Sharma* (as his lordship then was)] on 18.04.2022 and taking note of the order passed in the case of **Suresh Ram vs. The State of Bihar and Ors. (CWJC No. 5489 of 2020)**, the same was disposed of allowing the petitioner to approach the District Appellate Authority/State Appellate Authority for the redressal of the grievance.

5. Aggrieved, the present review petition.

6. Learned counsel for the petitioner submits that a perusal of the prayer in the writ petition would show that it had nothing to do with the appeal before the appellate authority rather the matter was under Bihar Government Servants (Classification, Control and Appeal) Rules, 2005



(henceforth for short 'the Rules') and only because it was tagged with the Education (school cases), the direction came to be passed which needs to be reviewed.

7. The counter-affidavit of opposite party nos. 4 and 5 duly signed by the District Programme Officer (East), Patna is on record and it endorses the submission put forwarded by the learned counsel for the petitioner.

8. This Court in the case of **Gita Devi vs. The State of Bihar and Ors. (Civil Review No. 70 of 2022 in CWJC No. 3249 of 2021)** on 03.07.2025 took note of the order passed by the **Division Bench in LPA No. 255 of 2022 (Dhananjay Singh vs. State of Bihar and Ors.)** on 18.01.2023 and analogous cases recorded as under:

“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. 3249 of 2021 on 24.03.2022 is recalled with a direction to resurrect CWJC No. 3249 of 2021 and present it before an assigned Bench.

12. Office to do the needful.

13. Accordingly, the Civil Review stands disposed of.”

9. In view of the aforesaid facts, the Civil Review No. 208 of 2023 is allowed, the order dated 18.04.2022 stands recalled with a direction to resurrect CWJC No. 16544 of 2021 to its original file and placed before an assigned Bench.

10. Office to do the needful.



11. The Civil Review No. 208 of 2023 stands disposed of.

12. Before parting, this Court would like to put on record its word of appreciation for Ms. Shreyasi Raj, learned counsel for the petitioner as also Mr. Ravi Kumar representing the State for the assistance rendered in the matter.

(Rajiv Roy, J)

Adnan/-

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