

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.204 of 2022

In
Civil Writ Jurisdiction Case No.12392 of 2021

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1. Manju Kumari W/o Anil Kumar Singh Resident of Ward No. 3, Mahrani Asthan, P.S. and District Sitamarhi-843302
 2. Swarnlata Kumari W/o Prabhakar Kumar Resident of Village-Malipur Pakri, P.S. Sitamarhi, District-Sitamarhi-843314.
 3. Raushan Kumar S/o Ram Anup Mandal Resident of Village-Malipur Pakri, P.S. Sitamarhi, District-Sitamarhi-843314.
 4. Avinash Kumar S/o Kameshwar Prasad Singh Resident of Village-Riga Paschimi, P.S. Riga District Sitamarhi-843327.
 5. Rajesh Kumar Jha Son of Bhuvneshwar Jha Resident of Village and P.S. Riga District Sitamarhi-843327.
 6. Umesh Kumar Son of Jagarnath Jha Resident of Ward No. 9, Village-Riga P.S. Riga, District Sitamarhi-843327.
 7. Shanidev Son of Hari Kishore Singh Resident of Village-Rajepur, P.S. Suppi, District Sitamarhi-843315.
 8. Dharendra Kumar Jha Son of Hareshwar Jha Resident of Village-Khaktateha Chak, P.S.-Piprahi, District-Sheohar-843334.
 9. Dharendra Kumar Singh Son of Kaushal Kishore Singh Resident of Village-Kharsan, P.S. and District Sitamarhi-843327.
 10. Rakesh Kumar Jha Son of Birendra Jha Resident of Village- Manikchak, P.S.-Runnisaidpur, District-Sitamarhi-843323.
 11. Rajiv Kumar Jha Son of Jaganath Jha Resident of Village-Manik Chowk, P.S.-Runnisaidpur, District Sitamarhi-843323.
 12. Raghunath Jha Son of Bujhavan Jha Resident of Village Parigama, P.S.-Pupri, District Sitamarhi-843319.
 13. Anuj Kumar Mishra Son of Pranmani Mishra Resident of Village-Mirjapur, PS Banka, District Banka-813321
 14. Sanjeev Kumar Mishra Son of Rajeshwa Mishra Resident of Village-Redhaur, P.S. Sursand, District-Sitamarhi-843331.
 15. Rakesh Kumar Sharma Son of Paramhans Thakur, Resident of Village-Cheraut Purvi, P.S.-Cheraut, District-Sitamarhi-843319.
 16. Navin Kumar Son of Avadh Kishore Thakur Resident of Village-Hamidpur, P.S. Mirganj, District Muzaffarpur-843103.
 17. Sujeet Kumar Suman Son of Rajesh Kumar Roshan Resident of Village-Teai Takiadadpur, P.S.-Bhagwanpur, District Begusarai-851133.
 18. Shankar Kumar Jha Son of Late Abhay Nandan Jha Resident of Village Gangwara Buzurg, P.S.-Runnisaidpur, District Sitamarhi-843328.
 19. Shailendra Kumar Singh Son of Ramashankar Singh Resident of Village-Rampur Gangwali, P.S. Riga, District-Sitamarhi-843327.
 20. Nilam Kumari Wife of Ramanandan Mishra Resident of Village-Barahi,



P.S.-Parihar, District-Sitamarhi-843321.

21. Vandana Kumari W/o Rakesh Pratihest, Resident of Village-Masaha Ward No. 02, P.S.-Parihar, district-Sitamarhi-843324.
22. Madhuri Singh W/o Ramanand Prasad Singh Resident of Village-Sikandarpur, P.S.-Mushahari, District Muzaffarpur-842001.
23. Gunanand Singh Son of Badri Prasad Singh Resident of Village-hari, Ward No.17, P.S.-Sursand, District-Sitamarhi-843317.
24. Indradev Prasad Son of Deo Narayan Sah Resident of Village-Dumarwana, P.S. Bairganiya, District Sitamarhi-843313.
25. Rajeev Ranjan Kumar Jha Son of Sundar Jha Resident of Hanuman Nagar, Lalpur, P.S.-Runnisaidpur, District Sitamarhi-843323.
26. Navin Kumar Son of Radha Krishna Singh Resident of Phulwarisharif Anishabad, P.S.-Phulwarisharif, District-Patna-800002.
27. Uday Kumar Jha Son of Raghuvansh Jha Resident of Village-Rampur Laxman @ Rampur Laxmi, P.S.-Dumra, District-Sitamarhi-843302.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary, Human Resources Development Department, Bihar, Patna.
2. The Special Director, Secondary Education, Bihar, Patna.
3. The Bihar Sanskrit Education Board, Patna through its Secretary.
4. The Chairman, Bihar Sanskrit Education Board, Patna.
5. The District Education Officer, Sitamarhi.
6. The District Programme Officer, Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate
For the Opposite Party/s : Mr.Smt. Shilpa Singh (Ga 12)

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. 12392 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) with liberty to move before the District Appellate Authority/State Appellate Authority without considering that the matter is not covered by the judgment of Suresh Ram though the matter of the petitioners is covered by the judgment and order dated 27.03.2019 passed in CWJC No. 985/2015 and subsequent judgment dated 28.01.2021 passed in CWJC No. 2145/2019 and as such the matter may be restored in its original file and be disposed of on merit.

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

(i) for issuance of writ in the nature of mandamus commanding and directing the Respondent authorities to make the payment to the petitioners according to their pay scale as per the office order issued by the Secretary, Bihar Sanskrit Education Board, Patna;

(ii) and for any other relief/reliefs for which the



petitioners are found to be entitled in the eye of law.

4. The matter was taken up alongwith the batch cases by the learned Writ Court on 12.04.2022 and the same was disposed of with the following order:

“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 contention of the petitioner is that entirely different prayers was there before the writ court but since it was tagged with the education matter, an order came to be passed on 12.04.2022. He has taken this Court to an appellate order in LPA No. LPA No. 255 of 2022 (Dhananjay Singh vs. State of Bihar & Ors) which 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 CWJC. petitions
are remanded to the learned Single Judge.”*

7. Learned State counsel Ms. Abhanjali concurs with
the submission put forward by the learned counsel for the
petitioner that the prayer in the writ petition was entirely
different.

8. In that background, the review petition is disposed
of.

(Rajiv Roy, J)

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