

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.618 of 2022

In

Civil Writ Jurisdiction Case No.8395 of 2021

Juhi Kumari, Wife of Jyoti Prakash, Daughter of Rajendra Prasad, Resident of Mohalla-Ara, Nawada, P.O. and P.S. Ara Nawada, District-Bhojpur.

... .. Appellant.

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Bhojpur at Ara.
5. The Mukhiya Gram Panchayat- Dhamar, P.S. Ara Town, District- Bhojpur.
6. The Panchayat Secretary, Gram Panchayat Dhamar.
7. The Headmaster, Primary School Dhamar (Mushar Toli), P.S.- Ara Town, District- Bhojpur.
8. The Secretary, Bihar School Examination Board (Higher Education), Patna.
9. Kusum Kumari, Daughter of Girija Nand, through the Headmaster, Primary School Dhamar (Mushar Toli), P.S.- Ara Town, District- Bhojpur.

... .. Respondents.

Appearance :

For the Appellant	:	Mr. Bibhakar Tiwary, Advocate.
For the State	:	Mr. Apurva Kumar, AC to GA-12.
For BSEB	:	Mr. P.K. Shahi, Senior Advocate.
		Mr. Gyan Shankar, Advocate.
		Ms. Ankita Roy, Advocate.
For the Respondent No.9:		Mr. Maya Shankar Mishra, Advocate.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 02-09-2025

I.A. No.1 of 2022:

Heard.

2. There is a delay of about 24 days in filing the present L.P.A. No.618 of 2022.

3. For the reasons stated in I.A. No.1 of 2022 read



with the affidavit, delay of about 24 days in filing the present L.P.A. No.618 of 2022 stands condoned and, accordingly, I.A. No.1 of 2022 stands allowed.

L.P.A. No.618 of 2022:

4. On 31.07.2025, following order was passed:

“The learned counsel for the appellant submits that she had preferred the CWJC No. 8395 of 2021 for the following reliefs:

“(i) To issue an appropriate writ, preferably in the nature of mandamus commanding upon the respondent authorities to verify the educational qualification certificate of the respondent no. 9 and upon verification if the same is found to be forged then to cancel her appointment and to reinstate the petitioner as Panchayat Teacher in Primary School Dhamar (Mushar Toli) Ara Town, Bhojpur.

(ii) To hold and declare that the respondent no. 9 had been continuing in service on the basis of forged certificate of intermediate bearing roll code 1303, roll no. 30258, registration no. R-1303-1507/04 as such she is not legally entitled to be retained in service.

(iii) To issue an appropriate writ preferably in the nature of mandamus commanding upon the respondent authorities to pay salary and other emoluments to the petitioner attached with



the post of Primary Teacher.

(iv) To grant any other relilef (s) for which the petitioner may be found entitled to in the facts and circumstances of this case.”

2. The learned Single Judge by order dated 12.09.2022 had passed the following order:

“Learned Counsel for the respondents state that the relief prayed for has been granted as the appointment of the respondent has been cancelled in lieu thereof since the prayer has been redressed, relief claim has been granted.

The writ petition is rendered as infructuous and is accordingly disposed of”

3. From the records, it appears that notice was issued to Kusum Kumari (respondent No. 9). Learned counsel for the respondent No. 9 submits that Kusum Kumari has already been removed from the post of Panchayat Teacher.

4. From perusal of the reliefs sought for in the writ petition preferred by the appellant, it appears that her prayer was in two folds; one was regarding the removal of the respondent No. 9 and second was for her reinstatement on the post of Panchayat Teacher. Admittedly, from perusal of the records, it appears that the grievance of the appellant was not redressed, but unfortunately her writ petition was disposed of treating it to be



infructuous merely on the fact that respondent No. 9 was removed from service.

5. Mr. Ram Vinay Prasad Singh, learned counsel for the State is directed to file counter affidavit within a period of four weeks on behalf of District Education Officer, Bhojpur at Ara (respondent No. 4) stating that after the removal of respondent No. 9, the post of said Panchayat Teacher is still vacant or not and if it is vacant, why the case of the appellant for appointment on the said post has not yet been considered.

6. Put up this case on 28.08.2025.”

5. The appellant had assailed the selection and appointment of Respondent No.9-Kusum Kumari insofar as selection and appointment to the post of Panchayat Teacher. During the pendency of the writ petition (C.W.J.C. No.8395 of 2021), her services have been displaced while removing from the post.

6. Taking note of the aforementioned development, learned Single Judge has proceeded to dispose of the writ petition (C.W.J.C. No.8395 of 2021) vide order dated 12.09.2022 on the score that the writ petition (C.W.J.C. No.8395 of 2021) has become infructuous. Inadvertently, the learned Single Judge has not taken note of the other issue relating to whether appellant is eligible for appointment to the post of



Panchyat Teacher after removal of Respondent No.9-Kusum Kumari. In this regard, the appellant has not pleaded before the learned Single Judge. In such circumstances, appellant has a remedy of filing Civil Review and the same has not been resorted to. On the other hand, the present L.P.A. No.618 of 2022 has been filed. There is no decision whether appellant is entitled to be appointed as a Panchayat Teacher by the learned Single Judge. Therefore, the present L.P.A. No.618 of 2022 stands disposed of, reserving liberty to the appellant to invoke remedy of filing Civil Review before the learned Single Judge. If such Civil Review is filed, the learned Single Judge is requested to expedite the same in view of the fact that the matter relates to the selection and appointment.

7. With the above observation(s), the present L.P.A. No.618 of 2022 stands disposed of.

8. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2025.
Transmission Date	NA

