

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.318 of 2024

In
Civil Writ Jurisdiction Case No.10065 of 2021

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Suchit Kumar S/o Late Binod Singh Resident of Village- B.T. Bigha, P.S.-
Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Department of Education Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Education Officer, Gaya.
4. The District Programme Officer, Primary Education and Sarva Shiksha Abhiyan, Gaya.
5. The Block Education Officer Sherghati, District- Gaya.
6. The Head Master Middle School, B.T. Bigha, P.S.- Sherghati, District- Gaya.
7. Niranjana Kumar S/o Late Ram Bilas Singh Resident of Village and P.O.- B.T. Bigha, P.S.- Sherghati, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gyan Shankar, Advocate
For the Opposite Party/s	:	Mr. Arya Achint, AC to AAG-13
For the O.P. No. 7	:	Mr. Bhaskar Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 24-07-2025 Heard Mr. Gyan Shankar, learned counsel for the review petitioner duly assisted by Ms. Ankita Roy, Mr. Arya Achint, learned AC to AAG-13 as also Mr. Bhaskar Shankar for the opposite party no. 7 (the writ petitioner) duly assisted by Mrs. Sakshi Deep.

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

“review of the judgment and order



dated 26.09.2024 passed b the Hon'ble Mr. Justice Anjani Kumar Sharan (as his lordship then was) in CWJC No. 10065 of 2021, whereby and whereunder the Writ Application was allowed with a direction to the concerned authority to issue the joining letter to the petitioner within a period of one month from the date of receipt/production of a copy of this order."

3. The opposite party no. 7, Niranjn Kumar preferred CWJC No. 10065 of 2021 (Niranjn Kumar vs State of Bihar and Ors.) for the grant of following relief(s):

"for issuance of appropriate writ/writs, order/orders, direction (s) to the respondent authority to appoint the petitioner as night guard in Middle School, B.T. Bigha as per the direction of District Programme Officer, Gaya (Respondent No. 4) which was denied by the Headmaster of the School despite the recommendation of the School Education Committee/Managing Committee."



4. The matter was taken up on 26.09.2024 where the Writ Court took note of the fact that the Chairperson of the School Education Committee gave benefit to her nephew (respondent no. 7, Suchit Kumar) which resulted into eight votes to him on the meeting held on 15.07.2020.

5. The Writ Court further took note of the proceeding dated 14.07.2020 issued in favour of the writ petitioner where it was recorded that he has worked from 2008 to 2013 and as such, he be considered as Night Guard and thus, allowed the writ petition with direction to the authority to issue joining letter to him.

6. Aggrieved by the said order, now it was the turn of the respondent, Suchit Kumar to prefer review petition, as recorded above.

7. Learned counsel representing the review petitioner submits that the Annexure-5 which is resolution dated 14.07.2020 is a manufactured document inasmuch as no meeting took place on 14.07.2020 and actually, the meeting took place only on 15.07.2020. This has been confirmed in the counter-affidavit filed on behalf of State in its paragraph 12



8. He has further taken this Court to the counter-affidavit filed on behalf of the opposite party no. 4, the District Programme Officer (SSA), Gaya to show that actually the notice was issued on 14.07.2020 and meeting took place on 15.07.2020. The submission is that when he got eight votes as against three votes to the writ petitioner, is entitled for the said post.

9. Learned counsel representing the writ petitioner on the other hand submits that the meeting took place in a partisan manner with the Chairperson holding the meeting where her presence led those attending the meeting to vote in favour of her nephew (the review petitioner) and as such, he outsmarted every other candidates with eight votes. It was in the aforesaid circumstance that the writ Court allowed the writ petition.

10. However, on query whether any resolution was passed on 14.07.2020 as incorporated in the order (Annexure-5), no answer is forthcoming.

11. In reply, learned counsel for the review petitioner submits that even the writ petitioner took help of his two sisters-in-law who were part of the committee to get



three votes detrimental to the other candidates.

12. On the one hand, there is suppression of fact on the part of the writ petitioner regarding 14.07.2020 meeting whereas, on the other hand, the case is that the review petitioner being nephew of the Chairperson who chaired the Committee, took away the post with eight votes.

13. The Selection document shows that the contractual appointment was for a period of one year. Even the writ petitioner got benefited with three votes as two of his sisters-in-law were part of the committee..

14. Taking into account the aforesaid facts, this Court has no option but to review/modify the order dated 26.09.2024 passed by the Writ Court inasmuch as:

(i) since the contractual appointment of the year 2020 was only for a period of one year, a fresh look has to be given in the matter inasmuch as fresh selection process has to be initiated;

(ii) the same be conducted in an impartial manner by issuance of a proper advertisement to be published by the State authorities;

(iii) proper details of application to be filed



and/or the date of scrutiny beside the date of meeting be published in the notice/advertisement itself for the benefits of prospective/eligible candidates;

(iv) in the meeting, to be held, one each member must be from the District Administration as also the Education Department;

(v) those attending meeting shall be giving a certificate that none of the candidate shortlisted in the list are related to him/her;

(vi) no one whose relative is/are participating shall be part of the Selection Committee;

(vii) the selection has to be done in accordance with law and on the basis of merit/marks of the candidate participating from which a merit list has to be prepared;

(viii) the selection under no circumstances shall be made on the basis of casting of votes;

(ix) the entire proceeding shall be recorded to be signed by all those present including members of District Administration/Education Authorities;



(x) the entire process has to be conducted/concluded within a period of three months from the date, the copy of the order is provided by either of the parties to the concerned respondents.

15. With the aforesaid observation, the review petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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