

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5735 of 2019

Pratima Kumari W/o Santosh Kumar Choubey Vill.- Khoripakar, P.O.-
Kritpur Matia, P.S.- Harshidhi, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource Development Department, Govt. of Bihar, Patna
2. The Director Primary Education, Bihar, Patna
3. The District Magistrate East Champaran at Motihari
4. The District Education Officer East Champaran
5. The District Programme Officer, Establishment East Champaran, Motihari
6. The Block Development Officer Areraj Block, East Champaran
7. The Block Education Officer Areraj Block, East Champaran
8. The Panchayat Secretary Gram Panchayat Raj Chatiya Barharwa, Block Harsiddhi, Distt.- East Champaran
9. The Mukhiya Gram Panchayat Raj Chatiya Barharwa, Harsiddhi Block, East Champaran
10. Gulerana W/o Raisul Azam Vill.- Chatia Tola Math, P.S.- Malahi, distt.- East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr. Subash Chandra Mishra (SC-16)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

9 12-01-2026 Upon filing of the writ petition, this matter was

heard for the first time on 27.03.2019, when this Court had

issued notice to the respondent Nos.8 to 10, pursuant to which,



they are said to have been appeared and on the categorical statement made in paragraph 28 of the writ petition to the effect that the petitioner is working hence, he be granted protection.

2. In such view of the matter, status quo existing as on the date, qua the service conditions of the petitioner, was directed to be maintained till disposal of the instant case. This matter was heard on 25.06.2019 and fresh notices were directed to be issued upon respondent No.8 and matter was directed to be listed after receipt of the notice on 22.07.2019.

3. After almost six years of the last hearing, when status quo was granted, this matter was taken up on 02.09.2025, on which date, at the instance of the learned counsel for the petitioner, the matter was adjourned. Thereafter, this matter was taken on 16.09.2025 and at the instance of the petitioner, to file rejoinder which is under preparation, the matter was again adjourned. On 22.09.2025, upon hearing the parties, the respondent-State was directed to take instructions with regard to the decision taken in respect of the dispute raised questioning the validity of the degree obtained from Navbharat Shiksha Parishad, Orissa, and the matter was directed to be listed for further consideration on 03.11.2025.

4. On 04.11.2025, the matter was again taken up for



further consideration and looking to the nature of dispute, the counsel for the State was directed to take instructions with regard to the status of compliance made pursuant to the directions issued to the State Government by the Hon'ble Division Bench in the case of ***Ritesh Kumar v. The State of Bihar and Others*** in L.P.A. No.1347 of 2014, to take a final decision with regard to the Institute, namely, Navbharat Shiksha Parishad, Orissa, whether being a recognized Institution in context of issuing certificates for intermediate degree, based on which the petitioner is said to have been appointed on the post of Panchayat Shikshak advertised by the State Government and by way of last indulgence, the learned counsel for the State was granted two weeks time to seek appropriate instructions with regard to the steps taken for verification of recognition of Institute in question, in the light of Hon'ble Division Bench order passed in aforesaid appeal.

5. Learned counsel for the State, pursuant to the order passed by this Court, by referring to paragraph 10 of the counter affidavit filed thereof, and the decision contained in Annexure-R/A, submits that the decision has been taken by the Director, Primary Education, showing compliance of the order dated 08.07.2015 passed in C.W.J.C. No.5121 of 2016, keeping in row



the directions issued by the Division Bench in the case of ***Ritesh Kumar (supra)*** and the decision so taken is kept in Memo No.146 dated 03.02.2016, forming part of the said counter affidavit, and accordingly, submissions have been made that the issues were examined at the level of the State Government and, on detailed scrutiny and deliberations so made, it has been found that the degree so obtained from Navbharat Shiksha Parishad, Orissa, is not a recognized institution and such degrees have also not been approved by the State Government and, hence, the writ petitioner is not entitled to get any relief sought in the writ petition.

6. From the statements / pleadings made in the writ petition at Para-18, it is quite evident that the challenge to the impugned order has been made only on the basis of knowledge of the petitioner that till the date of filing of the writ petition, the intermediate degree so obtained from the Institution in question, has not been put in the category of Fake Institution, while the fact is otherwise, which would be evident from the decision of State Government, kept in Memo No.146 dated 03.02.2016.

7. Despite the fact that the authorities of the Department of Education, who being competent in law, have already taken a decision, wherein, it has categorically been



mentioned that the Navbharat Shiksha Parishad, Orissa, is not a recognized Institution and the degree obtained from such Institution cannot be treated to be valid for appointment on the post of Teacher, still, at the request of the learned counsel for the petitioner, on 18.11.2025, this Court granted one opportunity to approach the authority to satisfy them with his prudence and display his *bona fide* for consideration, in making review of the decision dated 03.02.2016.

8. This order dated 18.11.2025 was passed strictly in terms of the order passed in C.W.J.C. No.5121 of 2016 dated 28.06.2016, in the presence of the learned counsel for the parties, directing the petitioner to appear before the Principal Secretary, Department of Education, for carrying out the exercise, which is said to have been directed in the case of similarly situated persons, for appropriate decision, who would be presenting himself with all necessary documents for adjudication of his claim in terms of the issues framed by this Court and, a time-line was also fixed for its adjudication.

9. Today, when this matter was called for hearing, when the authorities of the Department of Education, including the petitioner, were supposed to apprise this Court with regard to the decision so taken on appearance of the petitioner with all



necessary documents, but the State counsel apprised this Court that the petitioner did not appear before the Principal Secretary, Department of Education, for adjudication of the dispute for which indulgence was sought by the petitioner, and on the other hand, with the change of counsel, a very obnoxious prayer was made for revision / modification of the order, by clarifying as to where this petitioner was supposed to appear for getting his claim adjudicated.

10. Since, the entire order dated 18.11.2025 was based on an order passed by the Co-ordinate Bench in C.W.J.C. No.5121 of 2016, wherein, the directions for authoritative decision was issued to Principal Secretary, Department of Education, Government of Bihar, as such, the attempt to further delay the matter, so made, on behalf of the petitioner with the change of counsel, was not acceptable as the earlier counsel, who had represented this petitioner, had made his categorical submission that this matter may also be directed to be considered by the authorities, who were bestowed with the responsibility to take a final decision, in view of the direction issued by the Co-ordinate Bench in case of *Menka Mishra v. The State of Bihar and Others*, passed in *C.W.J.C. No.5121 of 2016* and accordingly, there was no reason for the petitioner to



have made such prayer, as the direction issued by this Court for his appearance was very loud and clear and as such the conduct and prayer of the petitioner with the change of counsel, has categorically been opposed by the counsel for the State as well as the private respondent, that it is dilatory tactics, being adopted by the petitioner, to buy time in this case, while the petitioner is aware that there is no escape from the fact that the Institute in question, has already been placed in the category of Fake Institute, with the detailed decision taken by the State, which is contained in Annexure R/A to the supplementary counter affidavit.

11. The law is well settled that recall / modification or review application can be filed only by the counsel, who has argued the case and not by the counsel, who is substituted in his place or engaged after the orders were passed. The Hon'ble Apex Court, has deprecated such act of changing the counsel for preferring modification or review of order of the kind and the judgment rendered in the cases of *Salem Advocate Bar Association (II) v. Union of India* reported in (2005) 6 SCC 344 and *Tamil Nadu Electricity Board and Another v. N. Raju Reddiar and Another*, reported in AIR 1997 SC 1005, may be referred, which categorically held that with the change of



counsel, the prayer for review / recall or modification is impermissible and the manner in which the petitioner has changed the counsel, for making prayer of the kind, is highly deprecated, and as the act of the petitioner clearly shows that the entire focus of his, is to purchase time, and such prayer of his, is being very seriously opposed by the State counsel as well as the private respondent, as this matter has remained pending for almost 7 years before this Hon'ble Court and the act of dilatory tactics, gets supported from the designed act of adopting a method to purchase time, by changing his earlier counsel; which is not acceptable as the same cannot be the given sanction of law, and accordingly, such prayer is rejected.

12. In view of the fact that the authorities have already adjudicated the disputed issues in relation to degree in question by taking appropriate decision, as contained in Memo No.164 dated 03.02.2016, which is appended with the counter affidavit as Annexure-R/A, and the decision so taken has also not been challenged by any of the aggrieved parties including this petitioner, and further, the opportunity so extended to the petitioner having not been availed, wherein, this Court intended to provide one opportunity of hearing to this petitioner to ventilate his grievances by satisfying the authorities, with the



available materials, if any, for reviewing the decision dated 03.02.2016 so taken by the State and there being no such material placed on record by the petitioner to tinker with the same and looking to the nature of dispute, which is pending since the year 2013, wherein for the first time, the District Appellate Authority, East Champaran, Motihari, is said to have passed an order on the subject in issue, which was further put to challenge before the State Appellate Authority, and thereafter by filing the instant writ petition in the year 2019, and since then, the matter is pending, while the issues have already been adjudicated by the authorities, pursuant to the directions issued by the Hon'ble Division Bench in the case of Ritesh Kumar (*supra*), this Court, taking into account, the decision so taken where the authorities have categorically held that the degree obtained from Navbharat Shiksha Parishad, Orissa, is not valid for appointment, proceeds to adjudicate the issue raised by the petitioner and decide the same in consonance with the decision so taken by the State Government.

13. Considering the above, the relief so prayed by this petitioner in the instant writ petition is wholly unsustainable in law and is accordingly, dismissed by affirming the order dated 20.02.2019 passed by the State Appellate Authority, Education



Department, Bihar, Patna, and it is also made clear that the status quo granted vide order dated 27.03.2019 by this Court, which also merges with the final order, therefore, the authorities are under legal obligation to take appropriate steps for carrying out of the order dated 28.02.2019 to its logical end, in accordance with law.

14. The writ petition is dismissed with the aforesaid observations / directions.

(Ajit Kumar, J)

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