

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.263 of 2025

In
Civil Writ Jurisdiction Case No.11031 of 2025

=====

Indradeo Pandit Son of Late Baunu Pandit, Resident of Village and P.O. -
Bela Simari, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director Primary Education, Department of Education, Government of Bihar, Patna.
4. The District Magistrate, Khagaria.
5. The District Education Officer, Khagaria.
6. The District Programme Officer (Establishment), Khagaria.
7. The Block Education Officer, Khagaria.
8. The Mukhiya Gram Panchayat Raj Bela Simari, District- Khagaria.
9. The Employment Unit, Gram Panchayat, Bela Simari through Panchayat Secretary, Gram Panchayat, Bela Simari.
10. The Panchayat Secretary, Employment Unit, Gram Panchayat, Bela Simari, District - Khagaria.
11. Pramod Kumar Saxena, Son of Ram Prasad Bhagat, Resident of Village- Bhandas, Police Station and District- Khagaria.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Advocate
For the Opposite Party/s : None

=====

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 15-05-2026

Heard learned counsel for the petitioner. None
appears for the respondents.

2. This review application has been filed seeking a
review of the order dated 10.07.2025 passed in CWJC No.

11031 of 2025, whereby this Court finding the order dated 05.06.2025 bearing Memo No. 1526, issued by the Director, Primary Education, Government of Bihar, which was the subject matter of challenge in the writ petition, to be a matter adjudicated by the Director, Primary Education, Government of Bihar between the petitioner and the respondent No. 11 on their respective claims for a post of Panchayat Teacher had relegated the writ petitioner to approach the concerned District Appellate Authority for redressal of the grievances raised in the writ petition in view of the **Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020** and the decision rendered by this Court in ***CWJC No. 10222 of 2022 (Rani Kumari Vs. The State of Bihar & Ors.)***.

3. The petitioner, seeking review of the aforesaid order, contends that in the month of April, 2024 he had passed the competency test conducted for Exclusive Teacher in terms of Rule-4 of Bihar School Exclusive Teacher Rule-2023 pursuant to which he was appointed as Exclusive Teacher on 26.12.2024 and posted as Exclusive

Teacher in the very same school, i.e., Primary School, Gachhi Tola, Bela Simari, Khagaria.

4. The petitioner, therefore, contends that when the order dated 10.07.2025 was passed in the CWJC No. 11031 of 2025 relegating the petitioner to approach the concerned District Appellate Authority, the petitioner was no longer a Panchayat Teacher and he was a Exclusive Teacher and, therefore, this Court could not have relegated the petitioner to approach the concerned District Appellate Authority by treating the petitioner to be a Panchayat Teacher.

5. The petitioner, therefore, contends that there is an error apparent on the face of the record which requires review of the aforementioned order passed by this Court in the writ petition.

6. CWJC No. 11031 of 2025 was filed by the petitioner assailing the order dated 05.06.2025, bearing Memo No. 1526, issued by the Director, Primary Education, Government of Bihar /respondent No. 3 in the writ petition, whereby the name of the respondent No. 11 in the writ petition for the post of Panchayat Teacher was

found to be more acceptable than the petitioner in terms of final merit list published on 30.11.2006.

7. For ready reference the order impugned in the writ petition, dated 05.06.2025, Annexure-P/1 in the writ petition is extracted hereinbelow from the writ petition.

बिहार सरकार
शिक्षा विभाग
आदेशः

Annexure P/1 (36)

पटना दिनांक 05/6/2025

संयुक्त संख्या-07/मु-04-11/2024-1526/ यह आदेश माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा Civil Appeal No-14622/2024, [SLP(c) No-9884/2024] प्रमोद कुमार सक्सेना बनाम राज्य सरकार एवं अन्य में दिनांक-12.12.2024 को पारित आदेश के अलोक में निर्गत किया जा रहा है।

2. उक्त वाद में दिनांक- 12.12.2024 को पारित आदेश का कार्यकारी अंश निम्नका है:-

"...We make it clear that the reason assigned in the order of dismissal of the appellant, not being in consonance with the law, shall not be taken into account by respondent No.2 in taking a decision as aforesaid stated..."

3. माननीय न्यायालय द्वारा Civil Appeal No-14622/2024, [SLP(c) No-9884/2024] में दिनांक-12.12.2024 को आदेश पारित करते हुए निदेशक, प्राथमिक शिक्षा को सकारण आदेश पारित करने का निदेश दिया गया, जिसके अलोक में याचिकाकर्ता श्री प्रमोद सक्सेना तथा प्रतिवादी संख्या-8 श्री इंदरदेव पंडित को सुनवाई का मौका देते हुए दिनांक-26.12.2024 को तथा दिनांक-21.01.2025 अपना पक्ष एवं साक्ष्य रखने का अवसर दिया गया। पुनः वादी श्री सक्सेना तथा प्रतिवादी संख्या-08 श्री पंडित को निदेशक प्राथमिक शिक्षा के कार्यालय कक्षा में दिनांक-15.05.2025 को अपना साक्ष्य सहित पक्ष रखने का भी अवसर दिया गया।

4. याचिकाकर्ता श्री सक्सेना का कथन है कि पंचायत नियोजन इकाई, बेलासिहरी द्वारा दिनांक-08.11.2006 को प्रकाशित प्रथम मेधा सूची अधिधिक सूची थी, जिनमें उनका नाम छूट गया था, जिसकी आपत्ति वादी श्री सक्सेना द्वारा दिनांक-10.11.2006 को तत्कालीन मुखिया सुभा पासवान तथा दिनांक-12.11.2006 को तत्कालीन पंचायत सचिव स्व० सुनील कुमार के समक्ष दर्ज करायी गयी।

तत्कालीन मुखिया सुभा पासवान द्वारा एक शपथ पत्र संख्या-1476/2024 भी दायर किया गया है कि वास्तव में वादी श्री प्रमोद सक्सेना का नाम उस अधिधिक सूची में छूट गया था और अंतिम प्रकाशित मेधा सूची जो दिनांक-30.11.2006 को प्रकाशित हुई उसमें वादी श्री प्रमोद सक्सेना का नाम अंकित किया गया जो कि मेधा सूची के क्रमांक-70 पर है।

5. प्रतिवादी संख्या-8 श्री इंदरदेव पंडित का यह कथन है कि दिनांक-08.11.2006 को प्रकाशित मेधा सूची में श्री प्रमोद सक्सेना का नाम नहीं है तथा दिनांक-30.11.2006 को जारी मेधा सूची फर्जी है।

उपरोक्त आपत्ति के अलोक में दृष्टव्य है कि पंचायत नियोजन नियमावली 2006 की कड़िका-9 के पारा (viii) में उल्लेखित है कि:-

“पैनल तैयार हो जाने पर उसे सार्वजनिक किया जायेगा। किसी प्रकार की आपत्ति देने हेतु एक सप्ताह का समय दिया जायेगा। प्राप्त आपत्ति का निराकरण कर पैनल को अंतिम रूप दिया जायेगा।”

8. उक्त के आलोक में माननीय न्यायालय द्वारा पारित आदेशानुसार वादी एवं प्रतिवादी संख्या-8 के दावे की समीक्षा करते हुए संबंधित सक्षम का पूर्वरूपण जांच किया गया। सभी पहलुओं को जांच के क्रम में यह ज्ञात गया कि दिनांक-08.11.2006 की मेधासूची औपचारिक सूची थी और छूटे हुए अभ्यर्थियों के आपत्ति के बाद दिनांक-30.11.2006 को जारी मेधा-सूची अंतिम मेधा-सूची थी, जो सही है। दिनांक-30.11.2006 को जारी मेधा-सूची में वादी श्री सक्सेना का मेधा क्रमांक प्रतिवादी श्री इन्दुदेव पंडित से ऊपर है।

उपरोक्त वर्णित परिप्रेक्ष्य में वादी श्री सक्सेना के दावे को स्वीकृत करते हुए मामले को निस्तारित किया जाता है।

निदेशक, प्राथमिक शिक्षा।
आपत्ति- 07/गु-04-11/2024/586 पटना, दिनांक 05/6/2025
प्रतिलिपि- जिला शिक्षा पदाधिकारी, खगड़िया को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

2. जिला कार्यक्रम पदाधिकारी (स्थापना) खगड़िया को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

निदेशक, प्राथमिक शिक्षा।
आपत्ति- 07/गु-04-11/2024/586 पटना, दिनांक 05/6/2025
प्रतिलिपि- श्री प्रमोद कुमार लल्लू, पिता- रामानंद प्रसाद भगत, ग्राम- मदास दक्षिणी, थाना-जिला- खगड़िया, पिन- 851204 को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

2. श्री इन्दुदेव पंडित, पिता- रमो वरुण पंडित, ग्राम-पीठ- बेला सिमरी, थाना-जिला- खगड़िया को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

निदेशक, प्राथमिक शिक्षा।
आपत्ति- 07/गु-04-11/2024/586 पटना, दिनांक 05/6/2025
प्रतिलिपि- आई.टी. मैनेजर, शिक्षा विभाग को विभागीय वेबसाइट पर अपलोड करने हेतु सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।

निदेशक, प्राथमिक शिक्षा।

8. In paragraph No. 4 of the writ petition the petitioner has stated as under:-

“...4. That the Respondent State through department of education in furtherance of decision to fill up the vacancies at Primary Schools in various Panchayats, notified schedule for advertisement, last date for application and date of counselling. The present case relates to selection

process of Panchayat Teacher in Bela Simari for which advertisement was issued for appointment of eleven teachers/Panchayat Teachers under the provision of Bihar Panchayat Elementary Teachers Rules, 2006...”

9. Upon reading of paragraph-4 of the writ petition it is evident that the writ petition was filed assailing the selection process of Panchayat Teacher in Bela, Simari for which advertisement was issued for appointment of 11 Panchayat Teachers as per the provision of Bihar Panchayat Elementary Teachers Rules, 2006.

10. On a conjoint reading of paragraph-4 of the writ petition as well as the order impugned in the writ petition, i.e. 05.06.2025, which have already been extracted hereinabove it becomes abundantly clear that the issue raised for consideration by the petitioner in the aforementioned writ petition was regarding the claim of the petitioner *vis-a-vis* respondent No. 11 for the post of Panchayat Teacher in terms of Bihar Panchayat Elementary Teachers Rules, 2006 for which the Panchayat Authorities had issued an advertisement.

11. The facts highlighted in paragraph-35 of the review application stating that the petitioner had passed the competency test for the post of Exclusive Teacher in the month

of April, 2024 in terms of the Bihar School Exclusive Teachers Rules, 2023 and that he was appointed as such on 26.12.2024 and therefore when the writ petition was adjudicated by this Court, the petitioner was no longer a Panchayat Teacher but an Exclusive Teacher was not brought on record for consideration of this Court, while the writ petition was adjudicated on 10.07.2025.

12. It, therefore, is evident that when the writ petition was adjudicated on 10.07.2025 the only material available before this Court was the rival claims of the petitioner and the respondent No. 11 for appointment as Panchayat Teacher.

13. This Court on finding that the matter relates to selection and appointment of a Panchayat Teacher had relegated the petitioner to approach the concerned District Appellate Authority for redressal of his grievance as the District Appellate Authority was the competent authority under **Bihar State Teaching Institutions Teachers and Employees (Dispute Redressal and Appeal) Rules, 2020** to adjudicate the disputes arising out of service conditions of the Panchayat Teachers.

14. In view of the above, I find no error apparent on the face of the record calling for review of the order dated

10.07.2025 passed in CWJC No. 11031 of 2025.

15. The review petition stands dismissed.

(Nani Tagia, J)

Nishant/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2026
Transmission Date	