



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18952 of 2025

Nutan Pandey @ Nutan Tiwari Wife Of Sanjay Tiwari, Resident of Village
Pagra, P.O.-Sahdigiri, P.S.- Vijaypur, District-Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Department of Human Resource Development, Government of Bihar, Patna
2. The Additional Chief Secretary Department of Human Resource Development, Government of Bihar, Patna
3. The Special Director, department of Secondary Education, Government of Bihar. Patna
4. The District Magistrate, Gopalganj.
5. The District Education Officer, Gopalganj.
6. The District Program Officer, (Establishment) Gopalganj.
7. The Block Education Officer, Vijaypur, Gopalganj.
8. The Mukhiya Gram panchayat Raj Belwan, Vijaypur Block. Gopalganj.
9. The Panchayat Secretary Gram Panchayat Raj Belwan, Vijaypur Block, Gopalganj.
10. Baby Mishra, W/o Prabhakar Mishra, Resident of village Aghaila Mishra, PO Bajudih Mahuvan, P.S- Vijaypur, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : Mr. Standing Counsel-4

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 24-11-2025 Heard learned counsel for the petitioner and learned
counsel appearing for respondents-State.

2. In the instant writ application the petitioner has
challenged the order dated 13.07.2018 passed in Appeal No.395
of 2017 (Annexure-P/9) by which the counsel appearing for the





petitioner before the State Appellate Authority had withdrawn the appeal, as a consequence of which the appeal was dismissed as withdrawn.

3. While advancing argument, learned counsel for the petitioner tried to attribute the blame on the advocate who had appeared for the petitioner before the State Appellate Authority by contending that he did not have the instruction to withdraw the appeal. He, therefore, prays that the order dated 13.07.2018 passed in Appeal No.395 of 2017 be set aside and the matter be remanded back to the State Appellate Authority.

4. Learned counsel appearing for the respondents-State strongly opposes the prayer made in the writ application. He submits that the advocate who had appeared for the petitioner before the State Appellate Authority had withdrawn the appeal in presence of the counsel for the private respondent as well as Assistant Counsel to Government Pleader for the State and these facts have been recorded in the order dated 13.07.2018 passed in Appeal Case No.395 of 2017. He, therefore, emphasizes that the appeal of the petitioner was rightly dismissed as withdrawn and the present writ application filed by the petitioner is not only frivolous but also a vexatious writ application, which should be dismissed with heavy cost.





5. On careful consideration of the submissions made by the parties and on perusal of the order dated 13.07.2018 passed in Appeal Case No.395 of 2017, it is apparent that the Advocate who had appeared on behalf of the petitioner before the State Appellate Authority had withdrawn the appeal on the instruction of the petitioner and this was done in presence of the private respondent as well as Assistant Counsel to Government Pleader, a fact which has been recorded in the impugned order and, therefore, after having voluntarily withdrawn the appeal the petitioner cannot be permitted to resile from the said status and challenge the order dated 13.07.2018.

6. The present writ application filed by the petitioner is completely misconceived, frivolous and vexatious and, therefore, the writ application is dismissed.

(Alok Kumar Sinha, J)

Prakash Narayan

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