

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15160 of 2015

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Rita Devi W/o Shri Sanjay Kumar Manjhi resident of village Sahasram,
Block and P.S. Bausi Dist Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Human Resources Dept., Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. District Magistrate, Banka.
5. District Education Officer, Banka.
6. District Programme Officer (Establishment), Banka.
7. Block Education Officer, Eastern, Bousi, Gokula P.S. Bousi Dist Banka.
8. Block Education Extension Officer, Bousi, Banka.
9. Block Development Officer, Bousi, Distt. Banka.
10. State Pariyojna Director, Education Building, Bihar, Patna.
11. Mukhiya, Gram Panchayat, Gokula P.S. Bousi Dist Banka.
12. Panchayat Secretary, Gram Panchayat Gokula P.S. Bousi Dist Banka.
13. Sri Rajib Kumar Rana S/o Shri Balram Rana resident of village Sahasram, Panchayat Gokula, Block Bousi Dist Banka working as Sikchha Mitra in Prathmik Vidyalaya Sahasram Block Bousi Dist Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar

For the Respondent/s : Mr. Nasim Yahya, GP13

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 28-09-2015

Heard learned counsel for the parties.

The moment this Court would find that the petitioner in this writ application has prayed for setting aside the order/proceeding dated 22.8.2005 terminating the services of the petitioner from the post of Shiksha Mitra and its affirmance by the District Teacher Employment Appellate Authority, Banka dated 19.5.2010, it would find very difficult to now interfere in the

matter by giving him any of the relief being sought in this writ application, namely:-

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- “(I) Issuance of writ in the nature of certiorari quashing the proceeding dtd. 22.08.2005 in which decision was taken to remove the petitioner from the post of Shikchha Mitra, Primary Vidyalaya, Sahasram Block Bousi Dist. Banka passed by respondent no. 11 & 12.*
- (II) Further quashing of memo no A P 410 dtd 19.05.10 issued by Dist teacher Niyojan, appellate Tribunal, Baka as the petitioner was only matric at the time of appointment of Shikchha Mitra and subsequently acquired the Shikchha Visharad on 31.12.2005.*
- (III) Issuance of writ in the nature of Manamus order or direction, directing and commanding the respondents to allow the petitioner to join as Shikchha Mitra at Primary Vidyalaya, Sahasram, Panchayat Gokula Dist. Banka and pay the consequential relief from 01.09.2005.”*

As a matter of fact, the post of Shiksha Mitra stands abolished and, therefore, the petitioner cannot be now reinstated on the post of Shiksha Mitra as was held by the Full Bench of this Court in the case of **Kalpana Rani Vs. The State of Bihar & Ors.** reported in **2014(2) PLJR 665**. Again the appointment of Panchayat Teacher from the year 2006 has also been made now in three phases and the post on which the petitioner was allegedly continuing in Panchayat Shiksha Mitra cannot be traced for giving any relief to the petitioner.

Thus, this application must be dismissed not only on the ground of delay and laches but also in view of the law laid down by the Full Bench in the case of Kalpana Rani (supra).

(Mihir Kumar Jha, J)

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