

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18583 of 2010

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1. Ambika Sinha W/O Sri Bachneshwar Singh R/O Vill.- Harinsari, P.O.- Salakhua Bazar, P.S.- Salakhua, Distt.- Saharsa

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Rambilas Rai, Member Zila Shiksha Niyojan Appellate Authority, Saharsa
3. The District Magistrate, Saharsa
4. The B.D.O., Salakhua Block, Distt.- Saharsa
5. The Block Education Extension Officer, Salakhua, Distt.- Saharsa
6. The Ex-Mukhia, Sri Surendra Kumar Yadav Gram Panchayat Kopariya, P.O.- Kopariya, P.S.- Salakhua Bazar, Distt.- Saharsa
7. The Panchayat Sachiv Gram Panchayat Koparia, P.O.-Koparia, P.S.- Salakhua, Distt.- Saharsa
8. Guria Kumari D/O Mahendra Prasad Yadav R/O Vill.- Matha, P.O.- Salakhua Bazar, P.S.- Salakhua, Distt.- Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narayan Singh, Sr. Advocate

For the Respondent/s : Mr. (GA2)

For the respondent no. 8 : Mr. Bajarangi Lal

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 21-01-2015

Heard Mr. Narayan Singh for the petitioner, Counsels for the petitioner and the respondent no. 8.

Admittedly, from the impugned order passed by the District Teachers Appointment Appellate Authority, Saharsa (for short “ the Authority”), it appears that the petitioner approached the Authority raising a grievance relating to his non-selection on the post of Panchayat Shiksha Mitra (for short “PSM”). The Authority rejected the said appeal of the petitioner on the ground that the Block Development Officer had earlier made an enquiry and found the

engagement of the respondents as valid.

The writ application is fit to be dismissed on the sole ground that in view of the judgment rendered in the case of *Smt. Renu Kumari Pandey vs. the State of Bihar and Ors* [2011 (4) PLJR 297] affirmed in the case of *Kalpana Rani versus State of Bihar* [2014 (2) PLJR 665], no such grievance can be entertained and the relief be granted by the Authority. All circulars/guidelines/instructions relating to engagement of PSM now stand repealed by virtue of Clause (1) of the **Bihar Panchayat Elementary Teacher (Employment and Service Conditions) Rules 2006**. The post of PSM also does not exist.

Considering the aforesaid legal position adumbrated in the above said decision any such claim either legitimate or otherwise after the enforcement of the Rules, cannot be entertained. In my view, no relief can be granted to the petitioner.

The application is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

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