

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.858 of 2010

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1. Gautam Prakash S/O Ram Baran Mistri R/O Vill.- Sagarpur, P.S.
Khijarsarai, Distt.- Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-Cum-Secretary, Human Resources Deptt., Govt. Of Bihar, Patna
3. The Director, Primary Education, Govt. Of Bihar, Patna
4. The District Magistrate, Gaya
5. The District Superintendent Of Education, Gaya
6. The Sub-Divisional Officer, Khijarsarai, Gaya
7. The Block Development Officer, Khijarsarai, Gaya
8. The Block Education Extension Officer, Khijarsarai, Gaya
9. The Headmaster, Middle School, Jaumuyawan, Khijarsarai, Gaya
10. The Mukhiya, Gram Panchayat Jaumuyawan, Block- Khijarsarai, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 07-01-2015 Neither the Counsel for the petitioner nor the respondents is present.

From perusal of the records, it appears that the writ application was dismissed on merit vide order dated 17.09.2014 but subsequently restored for fresh consideration.

No one has appeared today to press the application. This is perhaps due to the reason that by virtue of the order passed by a Full Bench of this Court in the case of ***Kalpana Rani versus State of Bihar [2014 (2) PLJR 665]***, no such relief can be granted

to the petitioner. On perusal of the writ petition, it appears the petitioner has questioned the legality of the communication dated 10.08.2007 (Annexure-3) issued by Mukhiya cancelling the engagement of the petitioner on the post of Panchayat Shiksha Mitra. The petitioner has further prayed for reappointment/reengagement on the post of Panchayat Shiksha Mitra under the concerned Gram Panchayat. By virtue of the rule/provision contained in Primary Teachers (Employment and Service Conditions) Rules 2006, all Panchayat Shiksha Mitras who were found engaged and working on 1.7.2006 was granted status of Panchayat Teacher. The Full Bench while approving the judgment rendered by the Division Bench in the case of **Smt. Renu Kumari Pandey vs. the State of Bihar and Ors [2011 (4) PLJR 297]** categorically held that in view of the change in the status and abolition of the post of Panchayat Shiksha Mitra, no such relief can be granted by any authority including the District Teacher Appointment Appellate Authority constituted under the Rule.

The application is, therefore, fit to be dismissed.

I order accordingly.

(Kishore Kumar Mandal, J)

Pankaj/-

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