

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18524 of 2010

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1. Gram Panchayat Raj Panki Gorawan, Block And P.S.- Silao, Distt.- Nalanda Through Its Mukhia Usha Devi
 2. Usha Devi W/O Sri Sunil Kumar @ Captain Sunil Singh At Present Mukhia Of Gram Panchayat Raj Panki, Gorawan, Block And P.S. Silao, Distt.- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Department Of Primary And Adult Education, Government Of Bihar, Patna
2. Secretary, Department Of Primary And Adult Education, Government Of Bihar, Patna
3. District Magistrate, Nalanda At Biharsharif
4. The District Superintendent Of Education, Nalanda At Biharsharif
5. The Block Development Officer, Silao, Nalanda
6. The Block Education Extension Officer, Silao, Nalanda
7. Member, Zila Shikshak Niyojan Appealiya Pradhikar, Nalanda At Biharsharif

Respondents 1st set

8. Veena Kumari W/O Sri Manoj Kumar R/O Vill.- Madhopur, P.S.- Silao, Distt.- Nalanda
9. Vijay Kumar Yadav S/O Sri Janku Yadav R/O Vill.- Gorawan, P.S.- Silao, Distt.- Nalanda, The Then Mukhia Of Gram Panchayat Raj Paki Gorawan, P.S.- Silao, Distt.- Nalanda

.... Respondent 2nd set
Respondents

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad
For the Respondent/s : Mr. (GA-7)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 15-01-2015

No one appears on behalf of the petitioners.

Same is the case with the respondents.

Heard counsel for the state.

The then Mukhiya of Gram Panchayat Raj Paki Gorawan in the district of Nalanda approached the District Teachers Employment Appellate Authority, Nalanda, Biharsharif (for short 'the Authority') vide Appeal No.1630/90 for setting aside

the engagement/retention of the private respondent no.8 as Panchayat Shiksha Mitra (for short 'the PSM'). It was contended that the private respondent in question was retained/engaged as PSM in violation of the roster under which such appointment/engagement was to be made. The Authority examined the said contention and held that retention/engagement of respondent Veena Kumari was valid. Accordingly, the appeal was disposed of. Aggrieved thereby the petitioners have filed the present writ application.

In the case of **Smt. Renu Kumari Pandey Vs. State of Bihar (2011 (4) PLJR 297)** which has been approved and upheld in **Kalpana Rani Vs. State of Bihar (2014(2) PLJR 665)** it has categorically been held that after abolition of the post of PSM by fiction of rule-provision, no such claim can be entertained and granted.

In view of the aforesaid, this Court finds no legal infirmity in the order wherein the engagement of the respondent no.8 as PSM and subsequent absorption as the Panchayat Teacher was not interfered with.

The writ application is devoid of merit. It is accordingly dismissed.

(Kishore Kumar Mandal, J)

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