

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.162 of 2013

- =====
1. Manish Kumar S/O Sri Ganga Prasad Resident Of Village Shankarpur Shobhan,
P.O. Lalshahpur, P.S. Simri, District Darbhanga.
2. Rajesh Kumar S/O Sri Ganga Prasad Resident Of Village Shankarpur Shobhan,
P.O. Lalshahpur, P.S. Simri, District Darbhanga.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Human
Resources, Patna.
2. The Collector, Darbhanga.
3. The District Education Officer, Darbhanga.
4. The Member District Teachers Appellate Authority, Darbhanga.
5. The District Program Officer (Establishment), Darbhanga.
6. The Block Development Officer, Bahadurpur, District Darbhanga.
7. The Block Education Officer, Bhadurpur, District Darbhanga.
8. The Panchayat Secretary, Gram Panchayat Raj, Maniari, District Darbhanga.
9. The Mukhiya, Gram Panchayat Raj, Maniari, District Darbhanga.
10. The Headmaster, Primary School Maniari, P.S. Simri, District Darbhanga.
11. The Headmaster Primary School, Ganauli, P.S. Simri, District Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. AMARENDRA NARAYAN

For the Respondent/s : Mr. S.RAZA AHMAD

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 29-01-2015

29.01.2015

Heard learned counsel for the parties.

This writ application is required to be allowed on a very limited ground that by virtue of a decision rendered by a Full Bench in the case of *Kalpana Rani Vs. State of Bihar, reported in 2014 (2) P.L.J.R. 665*, issues of any illegality with regard to engagement of a person on the post of Panchayat Siksha Mitra is not required to be reopened. They can only be removed within a framework of the rules, so notified in the year 2006 after they

became a Panchayat Teachers by virtue of deeming fiction w.e.f. 01.07.2006.

In view of the same, all the exercise done may be at the behest of the High Court and the decision, so rendered under challenge, are of no avail and shall not affect the petitioners in any manner.

Writ application is allowed. The order, dated 12.09.2012, Annexure-17, passed by the District Teachers Employment Appellate Tribunal, Laheriasarai, Darbhanga is quashed in so far as it relates to the present petitioners.

The petitioners are now required to be paid their rightful emoluments.

(Ajay Kumar Tripathi, J.)

SKM/-

U			
---	--	--	--