

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 50 of 2014

IN

Civil Writ Jurisdiction Case No. 14267 of 2012

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Neelam Kumari, W/o Nagendra Singh, R/o Village-Chakfatah, P.O.-Madhaul, P.S.-
Mahua, District-Vaishali.

.... Petitioner/Appellant

Versus

1. The State of Bihar, through the Commissioner-Cum-Secretary, Department of
Education, Govt. of Bihar, New Secretariat, Bihar Patna.

2. The Director, Department of Primary Education, Govt. of Bihar, New Secretariat,
Bihar, Patna.

3. The District Magistrate, Vaishali.

4. The Secretary, the District Teacher, Employment Appellate Authority, Vaishali.

5. The District Education Officer, Vaishali.

6. The District Programme Officer (Establishment), Vaishali.

7. The Block Development Officer, Mahua, District-Vaishali.

8. The Block Education Officer, Mahua, District-Vaishali.

9. The Panchayat Secretary, Gram Panchayat Raj Rashulpur or Madhaul, Block
Mahua, District-Vaishali.

10. The Mukhiya, Gram Panchayat Raj Rashulpur or Madhual, Block Mahua,
District-Vaishali.

.... Respondents/Respondents

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Appearance :

For the Appellant : Mr. Shashi Bhushan Kumar, Advocate

For the Respondents/Opposite Parties: Mr. Prabhat Kumar Singh, S.C.-12

Mr. Sanjeev Kumar Singh, A.C. to S.C.-12

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 10-08-2015



The appellant has preferred the present Appeal, under Clause - 10 of the Letters Patent of this Court, aggrieved by the order dated 03/09/2012, passed by the learned Single Judge in C.W.J.C. No. 14267 of 2012. The appellant was the writ petitioner before the learned Single Judge and had sought for quashing of an order, dated 05/11/2011, passed by the District Teachers Appointment Appellate Authority, Vaishali (*hereinafter referred to as the "Appellate Authority"*) in Case No. H.C.-155 of 2011, whereby the Appellate Authority had rejected her case for reinstatement as Panchayat Teacher.

2. Admittedly, the appellant was earlier appointed as Shiksha Mitra, on 13/02/2003, for a period of 11 months with her Matriculation qualification. Subsequently, extensions were granted to her in the years 2004 and 2005, but further renewal was not granted to her, on the ground that she did not fulfil enhanced educational qualification of Intermediate as required for the appointments as Shiksha Mitra. The appointments were made under a scheme of the State Government of Bihar as contained in the Government Resolution, dated 21/06/2002, modified from time to time



3. This is not in dispute that with effect from 01/07/2006, Panchayat Primary Teachers (Appointment and Service Condition) Rules, 2006 (*hereinafter referred to as the “Rules”*) came into force, whereby the post of Shiksha Mitra, created under the said scheme of the State Government, came to be abolished and Resolution, creating post of Shiksha Mitra stood repealed. However, such persons, who were working as Shiksha Mitra, as on 01/07/2006, acquired the status of Panchayat Teachers by operation of Rule 20 (iii) of the said Rules.

4. This is, thus, an admitted fact that the appellant was not working as Shiksha Mitra as on 01/07/2006. There would be, therefore, no question of her reinstatement as Shiksha Mitra in any circumstance as the said post came to be abolished with effect from 01/07/2006. The case of the appellant is squarely covered by the Full Bench decision of this Court in case of *“Kalpana Rani Vs. The State of Bihar”* reported in *“2014 (2) PLJR 665”* and Division Bench decision in case of *“Smt. Renu Kumari Pandey Vs. The State of Bihar and Others [with analogous cases].”* reported in *“2011 (4) PLJR 297”*.

5. The order under appeal dated 03/09/2012, passed by the learned Single Judge, does not require any

interference, there being no infirmity in the order.

6. This appeal has no merit and is, accordingly,
dismissed.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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