

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.993 of 2010

IN

Civil Writ Jurisdiction Case No. 5654 of 2008

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Akhilesh Chaudhary S/O Sri Ram Awadhesh Chaudhary R/O Vill.-
Belaour, P.S.- Uddavant Nagar, Distt.- Bhojpur.

.... Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development (Primary Education) Department, Govt. of Bihar, Patna.
3. The District Magistrate, Bhojpur
4. The District Superintendent of Education, Bhojpur
5. The Block Development Officer, Udavant Nagar, Bhojpur
6. The Block Education Extension Officer, Udavant Nagar, Bhojpur
7. The Mukhiya Gram Panchayat, Belaur, Bhojpur
8. Sheobhushan Chaudhary S/O Late Ramchandra Chaudhary the then Mukhiya, Gram Panchayat Belaur, Distt.- Bhojpur
9. Raj Kumar Singh S/O Sri Upadhaya Singh Vill.+Post- Belaur (Bhojpur)
10. Santosh Kumar Chaudhary S/O Sri Amrendra Chaudhary Vill.+Post- Belaur, Bhojpur

.... Respondents

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Appearance :

For the Appellants : Mr. Rajendra Pd. Singh, Sr. Advocate
Mr. Rajeev Kumar Singh, Advocate
Mr. Mukesh Kumar Singh, Advocate

For the Respondents : Mr. G.P. - I

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 29-04-2015

Heard learned counsel for the appellant and learned counsel for the State.

The writ petitioner is appellant before us. It is not disputed that in the year 2004, he applied for the post of Shiksha Mitra. No selections were made. In the year 2005, again advertisement was issued and selections were made. In 2005, fresh appointments were made ignoring the writ petitioner. The writ petitioner did not assert his right either before the authorities or before this court. In 2006, Shiksha Mitra which was contractual appointment, was superseded by Panchayat Teachers (Appointment and Service Conditions) Rules, 2006. In these Rules, it was *inter alia* provided that Shiksha Mitra who were working, under these Rules 2006, which came into force, would be absorbed as Panchayat Teachers/Nagar Panchayat Teachers. Again, writ petitioner took no steps. In 2007 he filed representation before the Collector and there being no response, in the year 2008, he filed the writ petition complaining about his non-selection way back in the year 2004-2005. The writ court, in our view, rightly refused to interfere in the matter. The claim of the writ petitioner was for appointment to the post of Shiksha Mitra which stood abolished in 2006 itself. A



writ petition seeking relief of appointment as Shiksha Mitra in the year 2008 was, thus, clearly not maintainable.

In that view of the matter, we do not find any merit in this appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

Rajeev/-

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