

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.60 of 2013

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1. Raushan Ara Wife Of Md. Meraj Ahmad Resident Of Village- Sihe, P.O.- Bakaur, P.S. + District- Supaul

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary. Department Of Education, Government Of Bihar, Patna
2. The Director, Primary Education, Government Of Bihar, Patna
3. The Regional Deputy Director Of Education, Koshi Division, Saharsa
4. The District Teacher Selection Appellate Authority, Supaul Through Its Member
5. The District Education Officer, Supaul
6. The District Programme Officer (Establishment), Supaul
7. The Block Education Officer, Supaul
8. The Selection Committee Of Gram Panchayat, Bakaur, P.O.- Bakaur, P.S. + District- Supaul
9. The Mukhiya Of Gram Panchayat- Bakaur, P.O.- Bakaur, P.S. + District- Supaul
10. The Secretary Of The Gram Panchayat- Bakaur, P.O.- Bakaur, P.S. + District- Supaul
11. Bibi Raushan Ara Wife Of Md. Ayub Anwar Resident Of Village- Sihe, P.O.- Bakaur, P.S. + District- Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. AMRIT ABHIJAT

For the Respondent/s : Mr. S. Rahman

For the private-respondent: Mr. Bishnu Kant Dubey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-01-2015

Heard learned counsel for the parties.

The whole debate raised by the petitioner with regard to validity of the order, contained in Annexure-6, dated 17.03.2012, passed by the District Teachers Employment Appellate Tribunal, Supaul, is an academic exercise, if not a redundant exercise.

Law is well settled now that once Panchayat Siksha Mitra became a Panchayat Teacher by deeming fiction, the issue of validity or otherwise of such engagement of

Panchayat Siksha Mitra cannot be agitated or gone into and no person can be removed as such on the ground that such engagement as Panchayat Siksha Mitra was invalid or otherwise illegal.

If that be so, since the issue relates to engagement of the private-respondent as a Panchayat Siksha Mitra and grievance of the petitioner originated therefrom, the impugned order, contained in Annexure-6, is not required to be interfered with, because that will have the effect of going into a dispute, which is not required to be gone into now.

In this regard, there is a recent Full Bench decision, rendered in the case of *Kalpana Rani Vs. State of Bihar, reported in 2014 (2) P.L.J.R. 665*, which has significance.

In view of the aforesaid facts and circumstances, writ application is dismissed.

Before parting, the contention of the counsel for the petitioner, however, is correct that this Order will not give immunity of any kind to the private-respondent with regard to any criminal conduct or an act, constituting criminality, which is under investigation or enquiry.

(Ajay Kumar Tripathi, J.)

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