

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15162 of 2015

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Raj Mani Rai Son of Satya Narayan Yadav Resident of Village and P.O. Durgapur, P.S. Muffasil, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Bihar, Patna.
3. The Collector, Khagaria.
4. The District Education Officer, Khagaria.
5. The Block Education Officer, Khagaria.
6. The Block Education Extension Officer, Khagaria.
7. The Mukhiya, Gram Panchayat Rahimpur Middle, Khagaria.
8. The Headmaster, Primary School Tartar, Gram Panchayat Rahimpur Middle School, Umesh Nagar, Khagaria.
9. Suman Kumari Bharti wife of Devendra Kumar Choudhary Primary School, Kaller Tola Rahimpur Math, P.S. Khagaria, District Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amardeep, Adv.

For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-15

Mr. Rajeev Kumar Sinha, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 28-09-2015 Heard learned counsel for the parties as with regard to
the following prayer made in this writ application:-

“1(I) For that the concerning respondents may be directed to join the petitioner on the post of Panchayat Shiksha Mitra in the Primary School Tartar within Rahimpur Gram Panchayat Middle in the district Khagaria.

(II) For that set aside the order dated 14/11/2011 passed by learned Distrcit Appellate Tribunal, Khagaria (Annexure 7) by which and whereunder the application dated 6/2/2009 of the petitioner made in favour of the Chief Minister, Bihar Government.

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- III) *For that the concerning respondents may be directed to provide all the consequential relief in course of service period.*
- IV) *For that salary of working period from October 2003 to December 2003 as well as from 2004 to till today may be paid to the petitioner.”*

The moment this Court would find that the petitioner was working as a Panchayat Shiksha Mitra and had got removed from service in the year 2003, there would be no question of interfere with either the removal or consequential relief being sought in this writ application raising the issue between the year 2003 to 2011.

As a matter of fact, once the petitioner was removed from the post of Panchayat Shiksha Mitra in the year 2003 and that the post of Panchayat Shiksha Mitra also stands abolished with effect from 1.6.2006, the case of the petitioner will be squarely covered by the Full Bench judgment of this Court in the case of ***Kalpana Rani Vs. The State of Bihar & Ors.*** reported in **2014(2) PLJR 665.**

In any event, there is a gross delay on the part of the petitioner in moving this Court and, therefore, this writ application must fail on the ground of delay and laches as well as in view of the Full Bench judgment in the case of *Kalpana Rani* (supra).

With the aforementioned observation, this application

is dismissed.

(Mihir Kumar Jha, J)

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