

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6899 of 2011

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1. Priyanker Pinku Shree Anandi Yadav Resident Of Village- Chanania, Post- Ali Nagar, P.S. Suryagarha, District- Lakhisarai

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Teachers Appointment Appellate Authority through Its Member Lakhisarai
3. The District Magistrate, Lakhisarai
4. The District Superintendent of Education, Lakhisarai
5. The Block Development Officer, Block- Piparia, District- Lakhisarai
6. The Panchayat Secretary, Panchayati Raj, Saidpura, Lakhisarai
7. Varun Kumar Gupta son of Jagdish Sah Saidpura, Post Ali Nagar, Thana Surgarha, District Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh
Mr Jitendra Nath Tiwary

For the Respondent/s : Mr. Mrigendra Kumar, AC to GA 11
Mr Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-08-2015

Enough of time, money and energy have been lost on a non-issue. There was no occasion for the District Teachers Employment Appellate Authority to reopen the issue of engagement of the petitioner as a Panchayat Shiksha Mitra after 1.7.2006 when the concept of Panchayat Shiksha Mitra was given a go bye and by a deeming fiction all such persons became a Panchayat Teacher.

The petitioner was working as a Panchayat Teacher when a complaint was made before the Block Development Officer, Piparia in the district of Lakhisarai as to how people from 2003 list were

ignored for being engaged as a Panchyat Shiksha Mitra and on fresh applications of 2004, certain persons were engaged. This formed the basis for the whole dispute to travel first to the High Court then to the Tribunal leading to annulment of the appointment of the petitioner as a Panchyat Shiksha Mitra.

All such disputes came to be looked into by a Full Bench of this Court is ***Kalpana Rani v. State of Bihar, reported in 2014 (2) PLJR 665.***

This ratio of the Full Bench taken into consideration that the issue of engagement of a person as a Panchayat Shika Mitra cannot be reopened after 1.7.2006 and that is the reason the Court opined that the order under challenge contained in Annexure- 1 was a futile exercise.

Annexure- 1, dated 29.12.2010, therefore, is quashed. Writ application is allowed. Petitioner would continue to work as a Panchayat Teacher, if he has been removed on the basis of the order of the Tribunal.

(Ajay Kumar Tripathi, J)

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