

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22598 of 2013

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1. Mahendra Singh, S/o Late Badri Singh, resident of village- Bajitpur,
P.S. Ghoshi, District- Jehanabad
 2. Ashok Kumar, S/o Sri Ram Ratan Singh, resident of village- Maya
Bigha, P.S.- Ghoshi, District- Jehanabad

.... Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Magistrate, Jehanabad
5. The District Education Officer, Jehanabad
6. The District Programme Officer (Establishment), Jehanabad
7. The Block Development Officer, Ghoshi (Jehanabad)
8. The Block Education Officer, Ghoshi (Jehanabad)
9. The Principal, Government Primary School, Barki Baghanpura
(Jehanabad)
10. The Principal, Primary School, Daidih P.O.- Kurra (Jehanabad)
11. The Member, District Teachers Employment Appellate Authority,
Jehanabad
12. The Mukhiya, Kurra Gram Panchayat, Ghoshi Block of Jehanabad
13. The Panchayat Secretary, Kurra Gram Panchayat, Ghoshi Block,
Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bajrangilal &
Mr. Birendra Kumar, Advocates
For the State : Mr. Rajeev Shekhar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI**
ORAL ORDER

3 12-01-2015 The District Panchayat Teachers Employment
Appellate Authority, Jehanabad has passed the order dated



15.06.2012 in Complaint Case No. 551 (05) 2012. This order contained in Annexure-8 is under challenge and the petitioners want quashing thereto because by virtue of the said order petitioners engagement as Panchayat Shiksha Mitra has been annulled.

Learned counsel for the petitioners submits that by virtue of the rule brought in place by the State of Bihar relating to Panchayat Teachers all Shiksha Mitra, who were holding the post on 01.07.2006 by a deeming fiction became or were declared as Panchayat Teachers. The post of Panchayat Shiksha Mitra was abolished. It is ironical that the petitioners are being removed from a post they do not hold any more and further even from the post which they were legally holding by virtue of the rule brought into effect in the year 2006. The relevant rule is Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2006.

The reason given by the Tribunal for removing the petitioners from the post of Panchayat Shiksha Mitra is violation of certain roster etc. and legality in the said selection. Even if it is accepted to be correct, it should have been undone when the petitioners were still holding the post of Panchayat Shiksha Mitra. After having become a Panchayat Teacher, they can only be removed for the reasons indicated in the 2006 Rules or the Amended Rules, 2008.

There was no occasion in view of the opinion

expressed by this Court in a previous writ of Saroj Kumar & Ors. Vrs. The State of Bihar & Ors. reported in 2013 (2) PLJR 897, for the Tribunal to remove these petitioners from the post of Panchayat Shiskha Mitra.

The Tribunal has obviously not applied its mind or at least mis-applied its mind oblivious as all the developments in law. The petitioners have succeeded and made out a case for interfering with the order impugned contained in Annexure-8.

Writ application is allowed. Annexure-8 is quashed.

Petitioners would be restored back to their post of Panchayat Teacher without further delay.

(Ajay Kumar Tripathi, J)

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