

Letters Patent Appeal No 1101 of 2012
IN
Civil Writ Jurisdiction Case No 11511 of 2011

In the matter of Memo of Appeal under Clause X Appendix E of the High Court Rules.

Bibha Kumari W/O Sri Rajiv Kumar R/O Village - Bishunpura, P.O. Bhagwanpur, P.S. Parsa, District - Saran

.... Appellant/s

Versus

1. The State Of Bihar through Secretary, Primary and Adult Education, Human Resources Development Department, New Secretariat, Patna
2. The Commissioner, Saran Division, Chapra
3. The District Magistrate - Cum - Chairman, Sarve Shiksha Abhiyan, Saran at Chapra
4. The Deputy Development Commissioner, Saran at Chapra
5. The District Teachers Appointment Appellate Authority, Through the Secretary Saran At Chapra
6. The District Superintendent Of Education - Cum - District Programme Coordinator, Sarve Shiksha Abhiyan, Saran At Chapra
7. The Block Development Officer, Parsa Block, District - Saran
8. The Block Education Extension Officer, Parsa Block, District - Saran
9. The Range Education Officer, Amnour Block, District - Saran
10. The Gram Panchayat Raj, Saguni through Its Panchayat Secretary, At Parsa Block, Distt. - Saran
11. The Mukhiya, Gram Panchayat Raj, Saguni, At Saguni, P.O. - Sri Rampur, P.S. Parsa, District - Saran
12. The Panchayat Secretary, Gram Panchayat Raj, Saguni, At Saguni, P.O. Sri Rampur, P.S. Parsa, District - Saran
13. The Head Master, Government Primary Girl School, Uttimpur, P.O. Bhagwanpur, P.S. Parsa, District - Saran
14. Babi Kumari W/O Rakesh Kumar Singh Resident Of Village - Uttimpur, P.O. Bhagwanpur, P.S. Parsa, Distt. - Saran

.... Respondent/s

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For the Appellant/s : Mr Rajendra Prasad Singh, Sr Advocate
WITH Mr Mukesh Kumar Singh, Advocate

For the S t a t e : Mr Kundan Bahadur Singh, SC 22

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE MR JUSTICE JITENDRA MOHAN SHARMA
ORAL JUDGMENT
(Per: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH)

We have heard Shri Rajendra Prasad Singh, learned Senior Counsel for the appellant and learned counsel for the State.

2 The appellant was the unsuccessful writ petitioner. She claimed that she had been duly recruited as Shiksha Mitra but had wrongly been shown to be dismissed though she was working regularly and continuously upto December 2006. With effect from December 2006, all the Shiksha Mitras, who were working, became Panchayat Teachers. Shiksha Mitra was a contractual appointment but Panchayat Teacher is a permanent appointment. Against the aforesaid wrongful dismissal, she made various representations. The District Superintendent of Education made enquiries but he submitted a report against the writ petitioner holding that she had been removed and in her place, another lady was already appointed and working. Challenging this order, the writ petitioner filed another petition being CWJC No 422 of 2007 which is still pending. It appears that the District Teachers' Appointment Appellate Tribunal (In short, *the Tribunal*) was then set up. The writ petitioner moved the Tribunal against her purported illegal dismissal. After hearing the parties, the Tribunal did not also grant any relief to the writ petitioner. It gave a finding that the writ petitioner could not establish that she was

continuing to serve as Shiksha Mitra on the day when the new Rules came into being. Thus, the Tribunal also dismissed her case. Against this, she came to this Court by filing a writ petition which, as noted above, the learned Single Judge has dismissed. Hence, the intra-Court appeal.

3 Having heard the parties, in our view, it is not a case in which interference is called for. As per records, petitioner was not working on the day the new Rules came into being. She had been dismissed long before. She feigned ignorance which is of no consequence because even if we were to allow her writ petition, she could not be reinstated on a post which is today non-existent.

4 Therefore, in our view, no relief can be granted. Learned Single Judge has also noted that she has nothing tangible to show that in fact she had been working. When this appeal was taken up earlier also, she was directed to produce tangible papers to show that she was working. Nothing tangible has been brought on record. To the contrary, the reports of the authority are against her.

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

(Navaniti Prasad Singh, J)

**Patna High Court,
The 12th of February 2015,
NAFR, M E Haque/-**

(Jitendra Mohan Sharma, J)

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