

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10236 of 2014

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1. Sikandar Ram S/o Banarsi Ram Resident of Village- Kamathan Tilaknagar, P.O- Amba, P.S- Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Joint Secretary, Human Resource Development Department, Government of Bihar, Patna.
3. The District Appellate Authority of presiding officer, Khagaria
4. The Collector- cum- District Magistrate, Khagaria.
5. The District Education Officer, Khagaria.
6. The Block Education Officer, Alauli Block, Khagaria.
7. The Block Development Officer, Alauli Block, Khagaria.
8. The Mukhia, Gram Panchayat Raj Amba Icharua, P.S- Alauli, District- Khagaria.
9. The Secretary, Gram Panchayat Raj Amba Icharua, P.S- Alauli, District- Khagaria.
10. The Headmaster, Middle School Kamathan, Block Alauli, District- Khagaria.
11. Shravan Kumar Ram S/o Ram Prakash Ram Panchayat Teacher, Upgraded Middle School Kamathan, Amba, Icharua, Block- Alauli, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tarun Kumar Sinha

For the Respondent/s : Mr. AAG6-ANJANI KUMAR

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-01-2016

It is the order contained in Annexure-5 dated 15/05/2010, passed by the District Teachers Employment Appellate Authority, Khagaria, which is being assailed in the present writ application.

2. At the very outset, the Court has serious reservation in entertaining the writ application when there is delay and laches on the part of the petitioner in moving the High Court. Writ application has been filed after almost four years of passing of the order by the District Teachers Employment Appellate Authority. If the petitioner was serious about his right he should have moved the court of

law immediately or soon thereafter.

3. In addition to the above technicality coming in the way of the petitioner this Court has further reservation in exercising its discretion even on the merit of the matter.

4. The private respondent No.11 was appointed as a Panchayat Shiksha Mitra. By deeming fiction he became a Panchayat Teacher w.e.f. 1.7.2006. It seems that he was removed, may be illegally, because he had not acquired intermediate degree. This was done even prior to 33 months window of opportunity given for such candidate. Since he did acquire the intermediate degree, therefore, his right for continuance as a Panchayat Teacher did accrue in his favour.

5. Even otherwise, in a recent decision rendered in the case of **Kalpana Rani vs. State of Bihar and others**, reported in **2014 (2) PLJR 665** the Full Bench has held that appointment of candidates as Panchayat Shiksha Mitra and their absorption cannot be put under judicial scrutiny after the Bihar Panchayat Elementary Teacher (Employment and Service Conditions) Rules, 2006 came into play.

6. Writ application, therefore, has no merit. No interference is warranted. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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