

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5212 of 2011

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Sabita Kumari W/O Sri Bijay Kumar Resident of Village- Lalu Bigha, P.O.-
Chiraili, P.S.- Khigersarai, District- Gaya

.... Petitioner

Versus

1. The State of Bihar
2. The Director Primary Education, Bihar , Patna
3. The Collector Jehanabad
4. The District Superintendent of Education Jehanabad
5. The Block Development Officer Makhdumpur, Jehanabad
6. The Panchayat Secretary, Kalanaur Gram Panchayat, P.O. Kalanaur, P.S. Makhdumpur, Jehanabad
7. The Head Master, Newly Established Primary School Maniarganj Chamar Toli, P.O. Kalanaur, P.S. Makhdumpur, District- Jehanabad

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ramesh Singh

For the Respondent/s : AC to SC 30

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8. 20-06-2016 Heard learned counsel for the petitioner and learned
A.C. to Standing Counsel -30.

The petitioner has approached this Court with a
prayer to direct the respondents for making payment of salary as
Panchayat Teacher.

It has been pleaded that the petitioner was appointed,
however; she was not allowed to put signature on attendance
register. It has been claimed that the petitioner used to put
signature on separate register.

Learned counsel for the petitioner, by way of
referring to **Annexure – 1** to the writ petition, submits that the

petitioner was issued appointment letter, but she was not allowed to put her signature on attendance register, whereas, in the counter affidavit filed on behalf of respondent no. 4, a stand has been taken that appointment letter in favour of the petitioner issued by respondent no. 6 was itself illegal and not in accordance with law, as per Panchayat/Prakhand Teachers Appointment Rule, 2008. The petitioner is having a degree of Up-shastri, which is not the eligibility criteria for the appointment.

Learned State counsel has referred to amended Rules of 2008 i.e. **Annexure – 4** to the writ petition to satisfy the Court that the petitioner was not having requisite qualification and the person i.e. Panchayat Secretary has issued unauthorisedly appointment letter in favour of the petitioner.

However, without going into the merit of the case, the Court is of the opinion that since in the rule itself, there is provision for appeal, the petitioner may not be allowed to approach this Court directly for the relief, which has been sought for in the writ petition.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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