

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.73 of 2016**

**IN**

**Civil Writ Jurisdiction Case No. 11765 of 2015**

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Soni Devi wife of Shri Raju Kumar Shrivastava, resident of village - Majhariya Kishun, P.S. - Jagdishpur, District - West Champaran.

.... .... Appellant

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Collector, West Champaran, Bettiah.
4. The District Teacher Employment Appellate Tribunal, West Champaran, Bettiah.
5. The District Education Officer, West Champaran, Bettiah.
6. The Block Education Officer, Nautan, District - West Champaran.
7. The Mukhiya, Gram Panchayat Raj, Jamunia, Block - Nautan, P.S. - Jagdishpur, District - West Champaran.
8. The Panchayat Secretary, Gram Panchayat Raj, Jamunia, Block - Nautan, P.S. - Jagdishpur, District - West Champaran.
9. The Headmaster, Primary School, Majhariya Kishun, P.S. - Jagdishpur, District - West Champaran.
10. Nurjaha Khatoon, wife of Md. Safique Mian, resident of village - Bahuarwa, P.S. - Jagdishpur, District - West Champaran.

.... .... Respondents

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**Appearance :**

For the Appellant : Mr. Umesh Chandra Verma  
Mr. S.K. Thakur, Advocates.

For the Respondents : Mr. S.D. Yadav, AAG 9  
Mrs. Shama Sinha, AC to AAG 9

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

**Date: 21-11-2016**

Heard learned counsel for the appellant and learned counsel  
for the respondents.

2. The present Letters Patent Appeal is against an order  
passed by the learned Single Bench on 4<sup>th</sup> of August, 2015 in CWJC  
No. 11765 of 2015 whereby the writ petition filed by the appellant

was dismissed. The writ petition was directed against an order passed by the District Teachers Employment Appellate Authority on 08<sup>th</sup> of April, 2015 whereby engagement of the appellant on the post of Panchayat Shiksha Mitra was held to be illegal and consequently the termination of her service in the year 2007 was also approved.

3. The learned Single Bench has found that the appellant was not validly appointed inasmuch as she was appointed against the reserved post though she belonged to un-reserved category. The appellant has not been paid even a single paisa after her alleged appointment and that even agreement of 11 months was not executed. The appellant claims that she had been appointed on 23<sup>rd</sup> of February, 2006 by the Gram Panchayat Raj, Jamuia. It is thereafter, the Bihar Panchayat Teacher Appointment Rules, 2006 came into force which provided adjustment of Shiksha Mitra as Panchayat Teacher on 1<sup>st</sup> of July, 2006, therefore, the claim of the appellant was that her services could not have been dispensed with by the Mukhiya.

4. The Appellate Authority in its order dated 8<sup>th</sup> of April, 2015 found that the appellant was appointed against reserved post for female than she belongs to unreserved category. The Appellate Authority examined the record and recorded a finding which has been confirmed by the learned Single Bench.

5. We do not find any patent illegality in the order of the

learned Single Bench warranting interference in the present Letters  
Patent appeal. The appeal is accordingly dismissed.

**(Hemant Gupta, ACJ)**

**(Vikash Jain, J)**

B.T/Ibrar

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