

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22649 of 2013

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Raj Kumar Sharma Son of Late Jadu Vishwakarma, resident of village - Chiksaura Bazar, P.S. Hilsa, District - Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Education, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Panchayat Raj, Govt. of Bihar, Patna
3. The Director Panchayat Raj Directorate, Govt. of Bihar, Patna
4. The District Magistrate, Nalanda at Biharsharif
5. The District Programme Officer, Nalanda at Biharsharif
6. The Block Development Officer, Hilsa, District - Nalanda
7. The Member, District Teacher Employment Appellate Authority, District Nalanda at Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr. Pawan Kr. Mishra

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-04-2016

Heard learned counsel for the petitioner.

In this case, the petitioner has raised a limited grievance about non-payment of salary while discharging the duty of Shiksha Mitra.

After the enforcement of Bihar Panchayat Elementary Teachers Employment (Conditions and Service) Rules 2006, no post of Shiksha Mitra is in existence and the post whatever available has converted into Panchayat Teacher.

In view of judgment reported in 2014 (2) PLJR 665 (Kalpana Kumari vs. State of Bihar) and 2011 (4) PLJR 297 (Renu

Kumari Pandey vs. State of Bihar), the post of Shiksha Mitra has been abolished and no scheme has been provided for redressal of the grievance and as such, the case of the petitioner cannot be looked into,

But in the present case, a limited grievance has been raised for payment of salary for the work done by him. As the petitioner has claimed that he has worked from 26.03.2004 to 30.06.2006 and from 01.07.2006 to till date he handed over the charge.

It goes without saying that the petitioner might not have been converted as a Panchayat Teacher, but certainly he is entitled to the honorarium/salary for the period he discharged the duty.

Let the petitioner file a detailed representation before the District Programme Officer, Nalanda at Biharsharif who will consider the case of the petitioner and take a positive decision within a period of three months from the date of filing of the representation.

With the above observation/direction this petition is disposed of.

(Shivaji Pandey, J)

Maresh/-

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