

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9387 of 2013

=====

Mani Bhushan Singh Son Of Sri Braj Nandan Singh Resident Of Village- Parsarma,
Block- Gora Bauram, P.S.- Jamalpur, District- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Commissioner-Cum-Secretary, Secondary, Primary And Adult Education Department, Govt. Of Bihar, Patna
2. The Director, Bihar Shiksha Pariyojana Parishad, Govt. Of Bihar, Shastrinagar, Patna
3. The Director, Primary Education, Govt. Of Bihar, New Secretariat, Patna
4. The Regional Deputy Director Of Education, Darbhanga
5. The District Magistrate, Darbhanga
6. The District Superintendent Of Education-Cum-District Programme Co-Ordinator, Sarva Shiksha Abhiyan, Darbhanga
7. The Block Development Officer-Cum-Executive Officer Of Panchayat Samiti, Block- Gora Bauram, District- Darbhanga
8. The Pramukh, Block Panchayat Samiti, Gora Bauram, Darbhanga
9. The Block Education Extension Officer, Gora Bauram, Darbhanga
10. The Mukhiya, Gram Panchayat-Nadai, Block- Gora Bauram, P.S.- Jamalpur, District- Darbhanga
11. The Sukh Suvidha Committee Through Its President-Cum-Mukhiya, Gram Panchayat- Nadai, Block- Gora Bauram, P.S.- Jamalpur, District- Darbhanga
12. The Member, District Teacher Appointment Appellate Authority/Tribunal, Balbhadrapur, Laheriasarai At Darbhanga

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prem Kumar Jha, Adv.
Mr. Rajesh Kumar Jha, Adv.
For the State : Mr. Nasrul Hoda Khan, SC-1
For the Bihar Shiksha : Mr. Girijish Kumar, Adv.
Pariyojana

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-08-2016

Heard learned counsel for the petitioner and counsel for the State.

Learned counsel for the petitioner has raised a very limited grievance with respect to the order passed by the Appellate Tribunal



dated 5.9.2011 in Case No. 79 of 2011 to the extent that though he cannot enter into the service of Panchayat Teacher but, entry of Mani Bhushan Singh as a Panchayat Teacher is completely illegal on the fact that his appointment as Shiksha Mitra has been found to be illegal by the Committee. Though this Court, in the case of *Kalpana Rani Vs. The State of Bihar & Ors.* reported in 2014(2) PLJR 665 and in the case of *Smt. Renu Kumari Pandey & Ors. Vs. The State of Bihar & Ors.* reported in 2011(4) PLJR 297, has dealt with different facets of the provision of Bihar Panchayat Panchayat Elementary Teacher (Employment and Service Conditions) Rules, 2006, found in the Rule, no forum has been created for resolving the disputes related to the appointment of Siksha Mitra. He has submitted that with respect to engagement of Shiksha Mitra, an enquiry was conducted where it was found that illegality has been adopted in selection and so much so that a criminal case has already been lodged and the District Co-ordination Officer, Darbhanga, Respondent no.6 has given letter to the Panchayat Secretary to take action against those who have been appointed illegally as a Panchayat Teacher in Primary School, Nadai.

This Court is not giving any opinion on the merit of the case. The Authority may interfere in the matter only in a circumstance when the persons entered into the service bereft of requisite qualification or by playing fraud. Mere some irregularity cannot be

the basis for opening the appointment of Shiksha Mitra.

The petitioner is at liberty to file a representation to the Collector, Darbhanga who will examine the claim of the petitioner and take a final decision in accordance with law. It is, however, made clear that enquiry would be conducted after giving proper opportunity of hearing to the persons concerned.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	5.8.2016
Transmission Date	NA