

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5974 of 2013

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Rekha Kumari Wife Of Rajeev Kumar Raman Resident Of Village -
Khairadih, P.O. Dumaria Bujurg, P.S. Parbatta, District - Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Govt. Of Bihar, Patna
3. The Director, Primary Education, Education Department, Govt. Of Bihar, Patna
4. The District Teachers Employment Appellate Authority, Khagaria
5. The District Magistrate, Khagaria
6. The District Education Officer, Khagaria
7. The Block Education Officer, Block : Parbatta, District : Khagaria
8. The Mukhiya, Gram Panchayat Raj, Khairadih, P.S. Parbatta, District - Khagaria
9. The Panchayat Secretary, Gram Panchayat Raj, Khairadih, P.S. Parbatta, District - Khagaria
10. Rekha Kumari Wife Of Rajesh Kumar Resident Of Village -
Khairadih, P.O. Dumaria, Bujurg, P.S. Parbatta, District - Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Adv.

Mr. Yogesh Kumar, Adv.

For the Respondent/s : Mr. Mukund Mohan Jha, AC to GP-31

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 15-03-2016 Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioner is challenging the
appointment of respondent no.10 as a Shiksha Mitra who later on
was converted to Panchayat Teacher.

As per claim of the petitioner, firstly she was
appointed as a Shiksha Mitra on 7.5.2005 but, she had fallen ill on
24.7.2005 and, thereafter, she did not report to the duty and the
Sukh Subidha Committee appointed a fresh candidate being
respondent no.10 in the place of petitioner and she was ultimately

converted to Panchayat Teacher. A grievance has been raised by the petitioner that she was never terminated from the services so she should be treated that she continued up to the date of conversion and was made Panchayat Teacher after enforcement of Bihar Panchayat Primary Teacher (Employment and Service Condition) Rule, 2006. The submission of petitioner is misconceived as on the day of conversion admittedly the respondent no.10 was working in place of petitioner and automatically, on enforcement of Bihar Panchayat Rule, 2006, the respondent no.10 became Panchayat Teacher in terms of the judgment of this Court in the case of *Smt. Renu Kumari Pandey & Ors. Vs. The State of Bihar & Ors.* reported in 2011(4)PLJR 297 where the Court has held that after enforcement of 2006 Rules, the post of Shiksha Mitra is no longer in existence and there is no machinery to adjudicate the issue relating to appointment and dismissal of Shiksha Mitra. The judgment passed in the case of Renu Kumari Pandey (supra) has also been affirmed by the Full Bench of this Court in the case of *Kalpana Rani Vs. The State of Bihar & Ors.* reported in 2014(2) PLJR 665.

In that view of the matter, this Court does not find any merit in this application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

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