

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16461 of 2011

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Sheela Kumari Wife of Shashi Bhushan Shrivastava Resident of Village -
Gheghwaliya, Post Office- Jamunia, Block Gaunaha, District West
Champaran.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary H.R.D Department Bihar,
Patna
2. The Director of Primary Education, Bihar, Patna
3. The District Magistrate West Champaran at Betiah
4. The District Education Officer, West Champaran at Betiah
5. The Block Education Extention Officer Gaunaha West Champaran
6. The Mukhiya of Panchayat Raj Domath Gaunaha West Champaran
7. The Panchayat Secretary Panchayat Raj Gaunaha West Champaran
8. The District Teacher Employment Appellate Authority, West
Champaran at Betiah
9. Jai Rani Devi Wife of Rajendra Mahto Resident of Village Bal Bal,
Police Station -Sahodra District West Champaran at present Panchayat
Teacher Rajkiya Primary School, Kairy Block Gaunaha West Champaran
10. Meena Devi Wife of Rakesh Prasad Resident of Village Domath,
Block Gaunaha, West Champaran at present Panchayat Teacher Rajkiya
Primary School , Mahyogini Block Gaunaha, West Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra

For the Respondent/s : AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 19-04-2016 Heard Sri Prithvi Nath Mishra, learned counsel for the
petitioner and learned A.C. to Standing Counsel – 25.

The petitioner has approached this Court invoking its
writ jurisdiction under Article 226 of the Constitution of India,
with a prayer to direct the respondents to consider her case for
appointment as Shiksha-Mitra and also set aside the order dated
24-06-2011 passed in Case No. 424 of 2010 by the District

Teachers Employment Appellate Authority, West Champaran at Bettiah (in short the “Appellate Authority”).

It has been claimed by the petitioner that in the year 2003 private respondents were appointed as Shiksha-Mitra. The petitioner alleged that they were appointed ignoring their education qualification. However; in the year 2006, the petitioner filed a complaint before the Block Education Extension Officer, Gaunaha, West Champaran. It has been claimed that though petitioner had filed complaint in the year 2006 itself, initially no step was taken by the concerned respondents and finally, when she filed a complaint before the District Teachers Employment Appellate Authority in the year 2010, a case was registered, vide Case No. 424 of 2010.

Learned counsel for the petitioner submits that though the petitioner had filed complaint within time, the case of the petitioner has been rejected by the Appellate Authority only on the ground of limitation and as such, he makes a prayer for setting aside the order and directing the respondents to consider the case of petitioner for appointment as Shiksha-Mitra.

Learned State counsel has opposed the prayer of the petitioner and submits that in the present writ petition, main dispute is in respect of appointment of Shiksha-Mitra, whereas in



the year 2006 itself, the post of Shiksha-Mitra has already been abolished and a rule has been framed in 2006 for appointment of Shiksha-Mitra. It has been argued that on the cut off date, if a person was continuing as Shiksha-Mitra, the status of such Shiksha-Mitra has changed as Panchayat Teacher. According to learned counsel for the State, on the cut off date itself, the petitioner was not at all Shiksha-Mitra and moreover, the petitioner has claimed dispute in respect of selection of Shiksha-Mitra, which had occurred in the year 2003. For the first time, an objection was raised by the petitioner in the year 2006, as stated in the writ petition.

Upon hearing learned counsel for the parties and considering the ground set-forth in the petition, the Court is of the opinion that there is no ground for interference with the order of the Appellate Authority. Fact remains that petitioner had raised a dispute in respect of appointment of Shiksha-Mitra, which was done in the year 2003 itself. Subsequently, the post of Shiksha-Mitra had come to an end by cut off date i.e. 01-07-2006. The petitioner was not at all Shiksha-Mitra on the cut off date and moreover, belatedly the objection was raised by her.

Accordingly, the Court is of the considered opinion that the Appellate Authority has rightly rejected the objection of

the petitioner on the ground of delay itself.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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