

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1732 of 2014

IN

Civil Writ Jurisdiction Case No 11545 of 2013

Gajendra Kumar Yadav S/o Satya Narayan Yadav Resident of village - Bijbani
Bhatu Tola, P.O. Bijbani, Police Station - Jitna, District - East Champaran

.... Appellant.

Versus

1. Sajjad Alam S/o Enaitullah Resident of village - Ghoghiya, P.S. Jitna, District - East Champaran
2. The State of Bihar
3. The Principal Secretary, Department of Education, Bihar, Patna
4. The Director, Primary Education, Department of Education, Bihar, Patna
5. The Collector, East Champaran at Motihari
6. The Programme Officer (Establishment), East Champaran, Motihari
7. The District Teachers Appointment Appellate Authority/Tribunal East Champaran, Motihari
8. The Block Development officer, Bankatwa, District East Champaran
9. The Block Education Extension Officer, Bankatwa Block, East Champaran
10. The Mukhiya, Bijbani North Panchayat, Bankatwa Block, P.O. Bijbani, P.S. Jitna, District - East Champaran
11. The Panchayat Secretary, Bijbani North Panchayat, Bankatwa Block, P.O. Bijbani, P.S. Jitna, District - East Champaran

.... Respondents

Appearance :

For the Appellant/s : M/s Uma Kant Shukla & Shakti Suman Kr, Advocates

For Private Respondent : Mr Ajay Kumar Singh, Advocate

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 25-01-2016

Delay in filing the appeal is condoned.

Heard learned counsel for the appellant and perused the judgment under appeal.

With consent of parties, this appeal is being heard for its final

disposal at this stage itself.

In our view, there is no case made out for interference inasmuch as the appellant had sought to dispute his non-selection as a Shiksha Mitra long after the post stood abolished. It is not denied that on 01.07.2006 when the new Rules came into being whereby working Shiksha Mitras were absorbed as Primary Teachers, the appellant was not working. Thus, he could not have been absorbed. Consequent to absorption, the post of Shiksha Mitra stood abolished. Therefore, once the post stood abolished and persons working had already been absorbed as Primary Teachers, any challenge to the past transaction cannot be sustained. This is the view of the learned Single Judge with which we concur. We are also fortified by the decision of the Full Bench of this Court in the case of *Kalplana Rani –Versus- The State of Bihar & Others, 2014 (2) PLJR 665*.

Therefore, we find no merit in this Letters Patent Appeal. It is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

Rajiv/-

(Nilu Agrawal, J.)

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