

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8058 of 2013

Vishwanath Rai S/o Sri Ram Suphal Rai, resident of village- Ekhari, P.S- Ladania,
District- Madhubani. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The District Education Officer, Madhubani.
5. The District Programme Officer (Establishment), Madhubani
6. The Block Development Officer, Ladania, Madhubani.
7. The Block Education Officer, Ladania, Madhubani.
8. Mukhiya Ekhari Gram Panchayat, P.S- Ladania, District- Madhubani.
9. Panchayat Secretary, Gram Panchayat, Ekhari, P.S- Ladania, District- Madhubani.
10. The District Panchayat Teachers Employment Appellate Authority Madhubani.
11. Shivkant Rai S/o Raj Lal Rai, resident of village- Ekhari, Jhitkiyahi Tola, P.S- Ladania, District- Madhubani. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Adv.

For the Respondent/s : Mrs. Abhanjalli, AC to GP-16

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-05-2016

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

In this case, the petitioner is challenging the order
dated 13.2.2013 passed in Appeal Case No. 165/05/11 whereby and
whereunder the authority rejected the prayer of the petitioner on the
ground that the several adjournments were given to him, but even then
he has not taken care to prosecute the case diligently.

This Court could have remanded back the matter, but
the question in the present case is that the petitioner is claiming to
appoint him on the post of Shiksha Mitra which has been abolished after

enforcement of Bihar Panchayat Elementary Teacher Recruitment (Service and Conditions) Rules, 2006.

In terms of Rule 20 (iii) of Rules 2006 the persons, who were working as Shiksha Mitra, were automatically converted into Panchayat Teacher. Admittedly the petitioner on the day of conversion, was not the Shiksha Mitra, but he is claiming that he should be appointed to post of the Shiksha Mitra and consequent relief he is making in the case, he should be converted into Panchayat Teacher.

In view of the judgment reported 2011(4) PLJR 297 (Renu Kumari Pandey vs. the State of Bihar and others) and 2014 (2) PLJR 665 (Kalpana Rani vs. the State of Bihar and others), in both the cases this Court has repeatedly held that the post of Shiksha Mitra has been abolished, so much so that there is no forum provided under the 2006 Rules for redressal of grievance with respect to Shiksha Mitra, which has been approved by the Division Bench, in such view of the matter, it will be futile exercise of power to remand back the matter, as the litigation is for the post of Shiksha Mitra.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.5.16
Transmission Date	