

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7874 of 2013

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Anil Kumar Singh son of Late Ram Bhagat Singh, resident of village-Halpur, PO-Chaita, PS-Ujiarpur, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Samastipur
2. District Magistrate, Samastipur
3. District Programme Officer, Samastipur
4. B.E.O., Samastipur
5. Panchayat Secretary, Lohagir Panchayat, Block-Ujiarpur, Samastipur.
6. Mukhiya, gram Panchayat Raj Lohagir Panchayat, Block-Ujiarpur, Samastipur.
7. The Coordinator, Sankul, Resources Centre, Chaita, PO-Chaita, PS-Angarghat, District-Samastipur.
8. Head Master, Government Primary School Malpur, PS-Chaita, PS-Ujiarpur, District Samastipur
9. Punam Kumari W/o Mrityunjay Prasad, resident of village + PS-Chandauli, PS-Ujiarpur, District-Samastipur, at present working as Panchayat Teacher in Govt. Primary School Malpur, PO-Chaita, PS-Angarghat, District-Samastipur.
10. Ashok Kumar so of Sri Butan Rajak, resident of village + PO-Lohagir, PS-Ujiarpur, District-Samastipur, at present working as Panchayat Teacher in Govt. Primary School Malpur, PO-Chaita, PS-Ujiarpur, District-Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar

For the Respondent/s : Mr. Ranjan Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-05-2016

The petitioner has no locus standi to file the present case, but he has brought a fact to the notice of this Court that one Punam Kumari, wife of Mrityunjay Prasad of village Chandauli, PS-Udaipur, District-Samastipur, was appointed as Shiksha Mitra after the enforcement of Bihar Panchayat Elementary Teachers Recruitment (Service and Conditions) Rules, 2006. The post of Shiksha Mitra has been abolished after enforcement of aforesaid

Rules 2006 and no one can be appointed on the post of Shiksha Mitra. The persons who were working as Shiksha Mitra in terms of Rule 20 (iii) of Rule-2006 were converted into Panchayat Teacher, but after 2006 as the post of Shiksha Mitra was not there, the person can be appointed as Panchayat Teacher, but not a Shiksha Mitra.

The counsel for the petitioner submits that Punam Kumari has been appointed as Shiksha Mitra in the year 2007. The petitioner approached the Tribunal which rejected the appeal on the ground of locus standi. The petitioner has no locus to challenge the appointment of Punam Kumari, but he has brought a startling fact which compelled this Court to give direction to the Principal Secretary of Education, Government of Bihar to examine the case of Punam Kumari and after giving notice to her, pass a reasoned order in accordance with law.

With the above observation/direction, this petition is dismissed..

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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