

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1300 of 2013

IN

Civil Writ Jurisdiction Case No 18141 of 2010

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1. Shyam Murari Paswan Son of Sri Narayan Paswan Resident of Village - Kopa Khurd, P.S. - Naubatpur, District - Patna
 2. Amrendra Kumar Son of Late Bindeshwari Singh Resident of Village - Maharajganj, P.S. - Naubatpur, District - Patna
 3. Ajeet Kumar Son of Sri Kamala Singh Resident of Village - Chainpura, P.S. - Nabubatpur, District - Patna
 4. Madhu Singh Wife of Sri Raj Kishore Singh Resident of Village - Kopa Kala, P.S. - Naubatpur, District - Patna
- Appellants

Versus

1. Arun Paswan Son of Ram Bhajan Paswan Resident of Village - Maharajganj (Bangala), P.S. - Naubatpur, District - Patna
 2. Satish Kumar Son of Late Sahjanand Sharma Resident of Village - Kopa Khurd, P.S. - Naubatpur, District - Patna
 3. Randhir Kumar Son of Shri Sidha Nath Singh Resident of Village - Chechaul, P.S. - Naubatpur, District - Patna
 4. Amar Nath Son of Sri Ram Pravesh Prasad Verma Resident of Village - Maharajganj (Bangala), PO & PS - Naubatpur, District - Patna
 5. Sachhidanand Kumar Son of Shri Bindeshwari Singh Resident of Village - Kopa Kala, P.S. - Naubatpur, District - Patna
 6. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna
 7. The District Magistrate, Patna
 8. The District Superintendent of Education, Patna
 9. The Range Education Officer, Bikram, District - Patna
 10. The Mukhiya of Gram Panchayat Chak Chechaul, P.S. - Naubatpur, District - Patna
 11. The Panchayat Secretary of Gram Panchayat Chak Chechaul, P.S. Naubatpur, District - Patna
 12. The Block Development Officer Naubatpur Distt. - Patna..... Respondents
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For the Appellant/s : Mr Y V Giri, Sr Advocate with
Mr Vikas Ratan Bharti, Advocate

For the Respondent/s : Mr Rajendra Prasad Singh, Sr Advocate with
Mr Jitendra Kumar, Advocate

For the State : Mr Anil Kumar Tiwary, AC to AAG XIII

For Respondent No 11: Mr Chandan Kumar Verma, Advocate

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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

Heard Shri Y V Giri, learned Senior Counsel for the appellants,

who were respondents in the writ proceedings, Shri Rajendra Prasad Singh for the respondents who were petitioners in the writ proceedings and the learned counsel for the State

2 We have gone through the judgment of the learned Single Judge and we are not inclined to interfere in the matter.

3 With consent of parties, this appeal is being heard for its final disposal at this state itself.

4 The learned Single Judge has clearly noted the sequence of events in detail. The writ petitioners, who are respondents herein, had applied for and had been selected as Panchayat Shiksha Mitra prior to 2006. The respondents, in the writ proceedings, had not been so selected. Thus, on the day when the Primary Teachers (Selection and Service Conditions) Rules, 2006 came into being with effect from 01.07.2006, the writ petitioners, having been found working, were absorbed as Primary Teachers. The respondents/appellants complained before authorities and ultimately they came before this Court in the writ proceedings which was dismissed. They preferred Letters Patent Appeal which was allowed to be withdrawn with a liberty to move the appropriate authorities. All this was happening long after the respondents, who are writ petitioners, were absorbed as Primary Teachers and the post of Shiksha Mitra, for which fight was going on, stood abolished. The respondents, in this appeal, have been working since prior to 2006.

5 In such a situation, the post, having been abolished and the fact that the respondents have been working since prior to 2006, we are not inclined to interfere in the matter.

6 We may also notice that the appellants' case was that initially, in the year 2003, it was these appellants who have been selected but their services

had wrongly not been renewed any further, and, from 2004, it were the respondents in this appeal who had been selected and continued and subsequently absorbed.

7 Be that as it may, all these disputes are being sought to be raised and inquiries made after the post of Shiksha Mitra, on which they were initially appointed, stood abolished.

8 We, thus, find no reason to interfere. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajiv/AFR

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