

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10840 of 2011

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Ram Nath Ram, son of Ram Dayal Ram, resident of Village-Piprahi, P.S.-
Piprahi, Distt.-Sheohar

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Sheohar
3. The District Superintendent of Education, Sheohar
4. The Block Development Officer, Piprahi Distt.-Sheohar
5. The Block Education Extension Officer, Piprahi, Distt.-Sheohar
6. The Panchayat Sachiv, Gram Panchayat Raj Meshandhe Piprahi Block
District Appellate Sheohar through its Member
7. The District Teachers Employment Appellate Authority, Sheohar-
through its Member
8. Saurabh Kumar S/O Ram Chandra Ram R/O Village-Mesaudha P.S.-
Piprahi, Distt.-Sheohar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha

For the Respondent/s : Mr. AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9 20-07-2016 Heard Sri Dinesh Jha, learned counsel for the

petitioner, learned AC to SC-27, Sri Anil Chandra, learned
counsel, who had appeared on behalf of Respondent no.2/
Panchayat Secretary, Gram Panchayat Raj, Mesandhe, Piprahi
Block as well as Sri Bindhyachal Singh, learned counsel, who was
assisted by Sri Thakur Jay Singh, learned counsel for the
Respondent no.8.

The petitioner, invoking writ jurisdiction under
Article 226 of the Constitution of India, has primarily made a

prayer for quashing of an order dated 07.03.2011 passed by the District Teachers Employment Appellate Authority, Sheohar, whereby the claim of the petitioner for being appointed as Shiksha Mitra was rejected. The petitioner has also prayed for cancelling the appointment of Respondent no.8.

At the very outset, learned counsel for the petitioner admits that the petitioner had applied for being appointed as Shiksha Mitra. However, his claim for being appointed as Shiksha Mitra was rejected on 01.06.2005. Thereafter, he approached the Block Development Officer, Piprahi and he got favourable order, even then the petitioner was not appointed as Shiksha Mitra. However, in the meanwhile, Respondent no.8 was appointed. According to learned counsel for the petitioner, Respondent no.8 was appointed as Shiksha Mitra and subsequently after enactment, on the cut off date since the Respondent no.8 was continuing as Shiksha Mitra on 01.07.2006, he has been adjusted as Panchayat Teachers. Learned counsel for the petitioner has relied on a Division Bench Judgment of this Court reported in 2015(4) PLJR 102 ; Prem Kumar Vs. State of Bihar & Ors.

Keeping in view the submission of learned counsel for the petitioner that on the cut off date i.e. 01.07.2006 the petitioner was not functioning as Shiksha Mitra, there is no

question for further examining the case of the petitioner. The reason is simple that as per enactment, only those Shiksha Mitra were to be considered as Panchayat Teacher, who were continuing as Shiksha Mitra on cut off date i.e. 01.07.2006. The case of the petitioner was rejected in the month of May, 2005 and, thereafter, he had never functioned particularly on the cut off date as Shiksha Mitra.

Since the post of Shiksha Mitra has already been abolished and abolition has been approved by a Full Bench of this Court, the Court is of the opinion that the writ petitioner may not be entitled to get any relief.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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