

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.21 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 16187 of 2008

Munna Prasad, S/o Sri Raghunandan Sao, R/o Village Daulatpur, Rupaspur Gram
Panchayat, Tekari Block, Gaya.

.... Appellant

Versus

1. The State of Bihar.
2. The Secretary, Human Resources Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Education Officer, Gaya.
5. The Sub-Divisional Officer, Tekari Block, Gaya.
6. The Sub Divisional Education Officer, Tekari Block, Gaya.
7. The Block Development Officer, Tekari Block, Gaya.
8. The Block Education Officer, Tekari, Gaya.
9. The Mukhiya Rupaspur Gram Panchayat, Tekari Block, Gaya.
10. Ashok Kumar Sandil, the then Panchayat Secretary, Tekari Block, Gaya.
11. Parsuram Kumar, S/o Kaltu Bind, R/o Village Barsima Bazaar, Rupaspur, Gram
Panchayat, Tekari Block, Gaya.

.... Respondents

Appearance :

For the Appellant : Mr. R. B. Roy 'Raman', Advocate
Mr. Bajrangi Das, Advocate

For the State : Mr. Anshuman Singh, Advocate
Mr. Sriram Krishna, Advocate

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 28-04-2016

Heard learned counsel for the parties.

2. The present Letters Patent Appeal is directed against

an order passed by the learned Single Bench of this Court on 31st of January, 2012 in C.W.J.C. No. 16187 of 2008, whereby the claim of the appellant for appointment to the post of Panchayat Shiksha Mitra remained unsuccessful.

3. The appellant applied for Panchayat Shiksha Mitra in January, 2003. His application was rejected. He is said to have made a representation on 16.02.2003 in respect of illegality in the process of selection of Shiksha Mitra but since no action was taken, inspite of number of representations, the present writ application was filed in the year 2008.

4. The learned Single Bench dismissed the writ application on the ground that it relates to appointment to the post of Panchayat Shiksha Mitra, a post which has been abolished with effect from 1st of July, 2006. The incumbents holding such post were absorbed as Panchayat Teachers in terms of Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006 (hereinafter referred to as “2006 Rules”).

5. We do not find any merit in the appeal. The post of Panchayat Shiksha Mitra stands abolished by the 2006 Rules. Consequently, there cannot be any direction for appointment of the appellant to a non-existent post. Admittedly the candidature of the appellant was rejected way back in the year 2003. Not only the writ

application suffers from gross delay and laches but also the claim of the appellant is against a non-existent post.

6. Consequently, we do not find any merit in the Letters Patent Appeal, which is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/PKP
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