

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.5331 of 2013**

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1. Dwarika Prasad Singh S/O Late Bal Kisun Singh R/O Village- Siswar, P.O.-  
Dhaw Pokhar, P.S.- Karamchat (Sabar), District- Kaimur, Bhabua

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The Commissioner-Cum-Secretary Human  
Resource Department, Govt. Of Bihar, Vikash Bhawan, Patna
2. Member, District Teacher Appointment Appellate Tribunal, Kaimur, Bhabua
3. The District Magistrate, Kaimur, Bhabua
4. The District Superintendent Of Education Null Kaimur, Bhabua, District-  
Kaimur, Bhabua
5. Block Development Officer, Kaimur, Bhabua
6. Block Education Extension Officer, Kaimur, Bhabua
7. Ex. Mukhiya- Salim Ansari Of Gram Panchayat Kurari Village- Tendua, P.S.-  
Karamchat, P.O.-Dhawpokhar, District- Kaimur (Bhabua)
8. The Panchayat Secretary Gram Panchayat, Kurari Block Rampur, Distt.-Kaimur  
(Bhabua)
9. Satendra Kumar Singh S/O Ram Dev Singh R/O Village- Thiloi, P.S.-  
Karamchat, District- Kaimur, Bhabua

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Shekhar Verma, Advocate.  
For Respondent No.8 Mr. Rajesh Kumar,  
Mr. V. K. Seth, Advocates.  
For Respondent No.9 : Mr. S.S. Mishra, Advocate.  
For the State : Mr. Neeraj Kumar, AC to SC 22.

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 20-01-2016**

Heard learned counsel for the petitioner and learned  
counsel for the State including the private respondent.

In the present case, the petitioner has claimed that he has  
wrongly been refused the appointment on the post of Shiksha  
Mitra and wrongly respondent no.9 has been appointed. He has  
further drawn the attention of this Court to the merit list which



has been attached to this writ petition and submitted that there is manipulation and interpolation in the preparation of the merit list as his name is standing at sl.no.27 and there is interpolation and wrongly petitioner has been given 17 marks. Similarly Satendra Kumar Singh, respondent no.9 whose name is standing at sl.no.41 there also cutting and manipulation has been made to 19 and as such he was wrongly deprived from appointment of Shiksha Mitra. Had he being appointed as a Shiksha Mitra, in pursuance of the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006, the petitioner would have been regularised but wrongly he has been deprived of the benefit and respondent no.9 has been appointed.

Learned counsel for respondent no.9 denied the allegation made against him and submitted that he has obtained higher marks than the petitioner and on that account he was appointed as Shiksha Mitra and later on absorbed as Panchayat Teacher.

Judgment of this Court in the case of Smt. Renu Kumari Pandey v. The State of Bihar and others, reported in 2011 (4) PLJR 297, Paragraph nos. 17 and 18 has given full answer to the argument of the learned counsel for the petitioner. The post of Shiksha Mitra has been abolished and there is no forum provided by the legislature to adjudicate the dispute of Shiksha

Mitra. The said principle again came for consideration before Full Bench in the case of Kalpana Rani v. The State of Bihar & others, reported in 2014(2) PLJR 665 where similar view has been taken.

In such view of the matter, petitioner is not entitled for any relief.

Accordingly this writ petition is dismissed.

**(Shivaji Pandey, J)**

Vinay/-

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