

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.716 of 2014
IN
Civil Writ Jurisdiction Case No. 19834 of 2011**

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Daya Ram Chaurasiya S/o Sri Chandi Chaurasiya R/o Village- Baank, Block-
Dandari, P.S.- Balia, Dist.- Begusarai

.... Appellant/s

Versus

1. The State of Bihar, Through The District Magistrate, Begusarai
2. The District Magistrate, Begusarai
3. The District Programme Officer, Begusarai
4. The Block Education Officer, Dandari Block, Dist.- Begusarai
5. The Mukhiya, Panchayati Raj- Baank, Block- Dandari, P.S.- Balia, Dist.- Begusarai
6. The Panchayat Secretary, Panchyati Raj- Baank, Block- Dandari, P.S.- Balia, Dist.- Begusarai
7. Parmanand Kumar S/o Ram Chandra Mandal, R/o Village- Panchyati Raj- Baank, Block- Dandari, P.S.- Balia, Dist.- Begusarai

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shubhesh Pandey
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 20-03-2017**

Heard counsel for the appellant and counsel
appearing on behalf of the State.

The private-respondent no. 7 was the petitioner
before the writ court. He challenged the order, dated
25.10.2011, passed by the District Teachers Employment
Appellate Tribunal, Begusarai, which was passed in Case No.
1078 of 2009. The Tribunal cancelled the appointment of the



petitioner on the post of Panchayat Shiksha Mitra made in the year 2005, which has the effect of cancellation of the deemed absorption of the petitioner on the post of Panchayat Teacher.

The Learned Single Judge taking into consideration the law, laid down by a Division Bench in the case of *Smt. Renu Kumari Pandey & ors. vs. The State of Bihar & ors., reported in 2011 (4) PLJR 297,,* quoted paragraph 18 of the said decision and set aside the order of the Tribunal, holding that the Tribunal has no jurisdiction to go into an issue of appointment of Panchayat Shiksha Mitra or make any adjudication with regard to the status of any such person, who by deeming fiction became Panchayat Teacher w.e.f. 01.07.2006.

The submissions made at the bar on behalf of the appellant that the Learned Single Judge committed error by interfering with the findings and the decision of the Tribunal, especially when such selection was made after following the due procedure, is of no avail, because after the decision, which was rendered in the case of Renu Kumari Pandey (supra), there was no occasion to reopen the issue of appointment of a person on the post of Panchayat Shiksha Mitra and his absorption on the Panchayat Teacher, therefore, would not be dislodged by any declaration.

Appeal has no merit. It is dismissed.



The Learned Single Judge has committed no error by allowing the writ application, based on the principles laid down by the Division Bench.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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