

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1997 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 418 of 2011**

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Dev Narayan Mehta, son of Premlal Mehta, R/o- Village- Rampur, Gram Panchayat
at Nirmali, Anchal Basantpur, P.S. Balua Bazar, District- Supaul

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna
3. The Regional Deputy Director of Education, Koshi Commissionary, Saharsa
4. The District Superintendent of Education, Supaul
5. The District Teachers Appellate Authority, Supaul through its Member Secretary
6. The Member, District Teachers Appointment Appellate Authority, Supaul through its Member
7. The Block Development Officer, Basantpur, Distt. Supaul
8. The Block Education Extension Officer, Basantpur, District- Supaul
9. The Elected Mukhiya of Gram Panchayat Nirmali, Anchal- Basantpur, District- Supaul
10. The Chairman, Panchayat Teachers Selection Committee Nirmali Anchal- Basantpur, District- Supaul
11. The Secretary of Gram Panchayat Nirmali, Anchal- Basantpur, District- Supaul
12. Anuranjan Kumar 'Anupam', son of Sri Laxmi Narayan Mehta, Resident of Village- Rampur, P.O. Sanskrit Nirmali, P.S. Balua Bazar, District- Supaul

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Siya Ram Sahi, Advocate

For the Respondent/s : Mr. Ashutosh Ranjan Pandey-AAG15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-05-2017

Seeking exception to an order dated 30th of August,
2016 passed by the learned Writ Court in C.W.J.C. No. 418 of 2011,
this appeal has been filed under Clause 10 of the Letters Patent.

2. Appellant who was Respondent No. 12 in the writ



petition and respondent Anuranjan Kumar 'Anupam', the original petitioner were candidates who had participated in the process of selection to the post of Shiksha Mitra which was conducted in the year 2003 and after a period of three years when the statutory rules, namely, the Bihar Panchayat Elementary Teachers (Appointment and Service Conditions) Rules, 2006 came into force, the original petitioner Anuranjan Kumar 'Anupam' was appointed as a Panchayat Teacher. This appointment was challenged and finally the Writ Court found that once under the statutory rule the appointment has been made on the post of Panchayat Teacher in view of a Full Bench judgment of this Court in the case of **Kalpana Rani Vs. State of Bihar- 2014 (2) PLJR 665** challenge to the appointment of Shiksha Mitra could not be made.

3. Learned counsel for the appellant argued before us that there is no dispute in accepting the aforesaid proposition but in this case it is said that the very induction of the original petitioner as a Shiksha Mitra in the year 2003 was based on fraud. He had obtained a fraudulent educational certificate and as his induction as a Shriksha Mitra was based on fraud, he could not reap the subsequent benefit of the rules in the year 2006 and, therefore, indulgence should have been made.

4. The learned Writ Court has examined this aspect of



the matter and has come to the conclusion that when these grounds were available to the appellant in the year 2003 when the original petitioner was appointed as a Shiksha Mitra, the appellant having kept quiet and having raised the ground for the first time after a period of three years when the original petitioner was absorbed as a Panchayat Teacher, the Writ Court found that the ground cannot be permitted to be raised now and rejected the contention. In doing so, we are of the considered view that no error has been committed by the learned Writ Court which may warrant interference by this Court.

5. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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