

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.474 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 10236 of 2014**

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Sikandar Ram, S/O Banarsi Ram, resident of Village- Kamathan Tilaknagar, P.O-
Amba, P.S.- Alauli, District- Khagaria.

.... Appellant/s

Versus

1. The State of Bihar, through Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Joint Secretary, Human Resource Development Department, Government of Bihar, Patna.
3. The District Appellate Authority of presiding Officer, Khagaria.
4. The Collector-cum-District- Magistrate, Khagaria.
5. The District Education Officer, Khagaria.
6. The Block Education Officer, Alauli Block, Khagaria.
7. The Block Development Officer, Alauli Block, Khagaria.
8. The Mukhia, Gram Panchayat Raj Amba Icharua P.S.- Alauli, District- Khagaria.
9. The Secretry, Gram Panchayat Raj Amba Icharua P.S.- Alauli, District- Khagaria.
10. The Headmaster, Middle School Kamathan, Block Alauli, District- Khagaria.
11. Shravan Kumar Ram, S/O Ram Prakash Ram, Panchayat Teacher, Upgraded Middle School Kamathan, Amba- Icharua, Block- Alauli, District- Khagaria.

.... Respondent/s

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Appearance :

For the Appellant : Mr. Tarun Kumar Sinha, Advocate
For the State : Mr. Brajesh Kumar, AC to AAG-4

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 22-02-2017

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench on 25th of January,
2016 in C.W.J.C. No. 10236 of 2014 whereby, the absorption of
Respondent No.11 as Panchayat teacher was not interfered with,



inter alia, on the ground of delay and laches and also in view of the Full Bench Judgment of this Court reported as Kalpana Rani vs. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar & Ors., 2014 (2) PLJR 665.

In fact, it transpires that the appellant was not a candidate for the post of Shiksha Mitra when Respondent No.11 was appointed as Shiksha Mitra in the year 2003. The appellant chose to apply for appointment as Panchayat teacher in the year 2006 after framing of the Rules, but not in response of any advertisement. Since the post of Panchayat teacher was never advertised, the claim of the appellant for appointment as Panchayat teacher could not be considered and has rightly not been considered. The appellant approached District Teachers Employment Appellate Authority against the appointment of respondent No. 11, in which the appellant was not a candidate, which declined the claim of the petitioner on 15.05.2010. Such order was challenged by the appellant before this Court in 2014. It is the said writ application, which has been dismissed on the ground of delay and laches.

We find that the appellant was never competing with Respondent No.11 for the post of Shiksha Mitra and could not have disputed his appointment as Shiksha Mitra and later absorption as



Panchayat teacher in terms of Bihar Panchayat Elementary Teachers
(Employment and Service Conditions) Rules, 2006.

Therefore, we do not find any error in the order passed
by the learned Single Bench which may warrant interference in the
present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	NAFR
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