

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35105 of 2014

Arising Out of PS.Case No. -125 Year- 2006 Thana -ANDHRATHARI District- MADHUBANI

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Kusum Devi W/o Sri Yog Narayan Yadav Resident of Village Thathari,
P.S. Andharatharhi, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy

Mr. Manoj Kumar Jha

For the Opposite State : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

9 03-11-2017 Heard learned counsel for the petitioner and the State.

In this case vide order dated 30.08.2017, case diary
was called for.

Today Mr. Rajeev Roy appearing on behalf of the
petitioner submits that there is allegation of irregularity in the
matter of appointment of Shiksha Mitra. The appointment of
Shiksha Mitra and Panchayat Shikshak are governed by certain set
of rules and the Mukhiya is one of the members in the selection
process. It is on record that the concerned appointee has been
appointed as Shiksha Mitra and subsequently Panchayat teacher
and is continuing, the dispute of appointment of Shiksha Mitra
was challenged before the Appellate Authority as well as before



the writ court and challenge as to the appointment failed even before the Appellate Authority as well as writ court.

Since the appointee was appointed by the selection process in which petitioner was a member as Mukhiya her appointment has not been interfered by the Appellate Authority and the Writ court, the present proceeding against the petitioner (Mukhiya) for offence connected with the selection process cannot be sustained.

In view of the fact that the petitioner at the relevant time was member of the Sukh Suvidha Committee who selected the candidates for appointment as Shiksha Mitra in 2006, the criminal proceeding against the present petitioner is an abuse of process of law.

Accordingly, the order taking cognizance dated 13.2.2013 passed by A.C.J.M., Jhanjharpur in Andhratharhi P.S. Case No. 125 of 2006, G.R. No. 918/2006, T.R. No. 2762 of 2013 pending in the court of Sri D.K. Tiwari, Judicial Magistrate 1st Class, Jhanjharpur, Madhubani is quashed.

The application is allowed.

(Anil Kumar Upadhyay, J)

Ravi/-

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