

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5238 of 2011

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Mamata Kamat D/O Sri Devendra Kamat, W/O Navin Kumar Chaudhary
R/O Village + P.O.- Rajkharbar, Police Station- Sakatpur, District-
Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar through Secretary, Welfare Department,
Government Of Bihar, Patna
2. The Director, Primary And Adult Education, Bihar, Patna
3. The Commissioner, Darbhanga Division, Darbhanga
4. The District Magistrate, Darbhanga
5. The District Education Officer, Darbhanga
6. The District Education Superintendent, Darbhanga
7. The Sub Divisional Officer, Tardih, District- Darbhanga
8. The Block Development Officer, Block Tardih, District- Darbhanga
9. The Block Education Extension Officer Block- Tardih, District-
Darbhanga
10. The Gram Panchayat Secretary Gram Panchayat Raj, Rajakharbar,
Block- Tardih, District- Darbhanga
11. The Mukhiya Gram Panchayat Raj Rajakharbar, Block- Tardih,
District- Darbhanga
12. The Head Master Utkarmit Middle School, Rajakharbar, Block- Tardih,
District- Darbhanga
13. Ajay Kumar Mandal S/O Sri Vindeshwar Mandal R/O Village- Mahiya,
P.S.- Sakatpur, District- Darbhanga
14. District Teacher Appointment Appellate Authority, Balbhadrapur,
Laheria Sarai, Darbhanga through its Members

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate
For the Respondent/s : Mr. Maheshwar Dhar Dwivedi, SC

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-07-2017 In the present writ application, the petitioner has

sought for quashing of the order dated 18.01.2011 passed in

Complaint case No.670 of 2009 by the District Teachers

Appointment Appellate Authority, Balbhadrapur, Laheriasarai,

Darbhanga (Annexure-7 to the present application), whereby and



whereunder the appointment of the petitioner for the post of Shiksha Mitra was cancelled.

On behalf of the State, it is submitted that no substantive relief can be granted to the petitioner in the light of Umesh Chandra Shiva vs. The State of Bihar & ors. reported in 2012(1) PLJR 585.

The petitioner herself admits that initially, she was appointed on the post of Shiksha Mitra on 03.09.2003 and she made her joining on 04.09.2003. Thereafter she re-appointed on 16.08.2004 and made her joining again on 19.08.2004 and further the third letter of appointment was also issued in her favour and she made her joining again on 25.07.2005. Therefore, such appointment of the petitioner itself indicates that she was not appointed in accordance with law. Thus, her claim about absorption on the post of Panchayat Teacher w.e.f. 01.07.2006 in terms of '2006 Rule' is not a valid claim. The Appellate Authority has held that the records of the appointment of concerned Gram Panchayat, relating to Shiksha Mitra, does not show the name of the petitioner either in the merit list or in the list of selected candidates prepared by the 'Shukh Suwidha Samiti' and the petitioner had sought for time as to produce document in support of her claim but she did not submit any document.



Thus, in my considered opinion if the initial appointment/engagement of the petitioner is itself bad then merely, by virtue of serving the post for some times, does not give the petitioner any right to continue on the said post.

Therefore, in view of the foregoing discussion and observation, this writ application is, accordingly, dismissed.

(Sudhir Singh, J)

Narendra/-

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