

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7660 of 2011

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Nityanand Prasad Rana Shri Jagdish Pandit Baidehi Sadan,
Sharma Chowk, P.O. Simri Bakhtiarapur, P.S. Bakhtiarapur, Dist.
Saharsa.

.... Petitioner

Versus

1. The State Of Bihar
2. The Bihar Education Project Council through Its Director, Bihar Education Project Council 5/5 Anandpuri, West Boring Canal Road, Patna.
3. The Director Bihar Education Project Council, 5/5 Anandpuri, West Boring Canal Road, Patna.
4. The District Magistrate, Saharsa.
5. The Sub Divisional Officer, Simri Bakhtiarapur, Dist. Saharsa.
6. The District Board Saharsa Through Its Chairman.
7. The Chairman District Board, Saharsa.
8. The Regional Deputy Director Education, Koshi Division, Saharsa.
9. The District Superintendent Of Education Cum District Programme Coordinator, S.S.A. Saharsa, Dist. Saharsa.
10. The Block Education Extension Officer, Banma Itahri Block, Dist. Saharsa.
11. The Mukhiya Gram Panchayat Itahri, Banma Itahri Block, Dist. Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. SYED MASLEH-UDDIN ASHRAF

For the Respondent/s : Mr. SANJAY KR NO.2 GA5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 30-03-2017

The petitioner claims that he has been appointed as Panchayat teacher and is presently posted in newly created primary school, Itahri North, Gram Panchayat – Itahri under Banma Block.

The petitioner is aggrieved by a communication made by District Superintendent of



Education-cum-District Programme Co-ordinator, Bihar Education Project, Saharsa dated 31.03.2009 addressed to the Sub-divisional Officer, Simri, Bakhtiyarpur, whereby it has been conveyed that Primary School Kalotwa Itahri, which was earlier approved, has been maintained.

Assailing the impugned order, learned counsel for the petitioner has submitted that on the approval for establishment of Nav Srijit Primary School, Itahri North, the petitioner was appointed in the said school. If the State respondents are allowed to approve Primary School, Kalotwa Itahri, the petitioner's appointment as Panchayat teacher shall come under cloud.

I do not find any basis for the petitioner to harbour the apprehension that his appointment shall be under cloud for that reason, if his appointment as Panchayat teacher is otherwise valid. The said order was issued in the year 2009. The petitioner was appointed in the year 2007 and is said to be continuing till date. In such circumstance, the relief, as sought for, for holding that Nav Srijit Primary School, Itahri North was the school approved by the competent authority is not required to be entertained in the present proceeding.

It goes without saying that, if, for any reason, the appointment of the petitioner as Panchayat



teacher is in controversy, the petitioner may invoke statutory remedy under Bihar Primary Teachers (Appointment and Service Condition) Rules, 2006.

This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J.)

Rajeev/-

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