

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 23793 of 2013

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Mahesh Kumar Son of Sri Charitar Mahto, Resident of Village Jagdishpur, P.S.
Jamo Bazar, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Siwan.
4. The District Education Officer, Siwan.
5. The District Programme Officer, Siwan.
6. The Block Education Officer, Goreakothi, District Siwan.
7. The Block Development Officer, Goreakothi, District Siwan.
8. The Mukhiya, Gram Panchayat Raj Hatimpur, Anchal Goreakothi, District Siwan.
9. The Panchayat Secretary, Gram Panchayat Raj Hatimpur, Anchal Goreakothi, District Siwan.
10. The Headmaster, Upgraded Middle School, Lala Hata, Anchal Goreakothi, District Siwan.
11. Mohan Prasad Son of Late Dasrath Prasad Resident of Village Lala Hata, P.S. Jamo Bazar, District Siwan, at Present Panchayat Teacher, Upgraded Middle School, Lala Hata, Anchal Goreakothi, District Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Naresh Prasad, Advocate
For the Respondent No. 11	:	Mr. Udit Narayan Singh, Advocate
For the State	:	Mr. Yashraj Bardhan, A.C. to S.C. 2

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-03-2017

Heard learned counsel for the petitioner and the

State.

The petitioner has moved the Court for a direction

to the respondents to reinstate him in light of the order dated

23.07.2012 passed by the District Teachers Employment Appellate

Authority, Siwan (hereinafter referred to as the ‘Authority’) in the



Government Upgraded Middle School, Lala Hata, in Block Goreakothi, in the District of Siwan.

Learned counsel for the petitioner submitted that though he was employed as Shiksha Mitra in the year 2003 but in the year 2004, he was granted extension for the second time but later in the year 2005, the third extension was not given, which was illegal, and thus, he made a complaint before the authorities, but when no action was taken, he finally filed Appeal No. 746 of 2011, before the Authority in which by order dated 23.07.2012, it was held that the employment of the petitioner was wrongly not extended and a direction was given to re-employ him. He submitted that when this order was not implemented, he had moved the Court in the present writ application.

Learned counsel for the State submitted that the petitioner had firstly approached the Authority after six years of the cause of action and in any view of the matter, the Authority has power only to look into the dispute relating to employment of Panchayat Teacher and not Shiksha Mitra. Learned counsel submitted that the Authority having illegally interfered in the matter by the order dated 23.07.2012, has also committed further illegality by writing to the Block Education Officer, Goreakothi under Letter No. 644 dated 13.10.2012 directing the Block Selection Unit, Goreakothi



to implement the order dated 23.07.2012.

Having considered the matter, the Court is unable to uphold the order of the Authority on the short point that he could not look into the matter relating to appointment of Shiksha Mitra and further the time lag from the cause of action, which was in the year 2005, and the petitioner approaching the Authority in the year 2011, has clearly disentitled him to any relief, on the ground of delay and laches. Moreover, as per the Full Bench Decision of this Court in the case of **Kalpana Rani vs. State of Bihar (Full Bench)** reported as **2014 (2) PLJR 665**, there can be no direction for any appointment on the post of Shiksha Mitra now.

For the reasons aforesaid, the Court does not find any occasion to interfere in the matter. Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

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