

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1401 of 2015
IN
Civil Writ Jurisdiction Case No. 11959 of 2010**

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Chandan Kumar son of Late Natthan Pandit, resident of Village & Post- Balaha,
P.S.- Parbatta, Distt - Khagaria

.... Appellant / Respondent no. 10.
Versus

1. The State of Bihar
2. The District Magistrate, Khagaria
3. The District Superintendent of Education Khagaria
4. The Block Development Officer Parbatta Block, District - Khagaria
5. The Block Education Extension Officer Parbatta Block, District - Khagaria
6. The Mukhiya, Gram Panchayat Raj, Kabela, Block - Parbatta, District - Khagaria
7. Panchayat Secretary, Gram Panchayat Kabela, Block - Parbatta, Distt - Khagaria
8. The Appellate Authority, District Teachers Appointment, Khagaria through its member
9. The Head Master, Middle School Kabela, Block - Parbatta, Distt - Khagaria
- Respondents / Respondents
10. Prashat Kumar Rajan, son of Sri Ram Swarup Thakur, R/o Vill. Kharagpura, P.O.- Kabela, P.S. Parbatta, Distt- Khagaria

.... Respondent / Petitioner.

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Appearance:

For the Appellant/s : Mr. Jitendra Kumar Ray and
Mr. Suryakant Kumar, Advocates.

For the State : Mr. K.P. Yadav, G.P. 11 and
Mr. Sunil Kumar, AC to GP 11.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 22-08-2017

Heard learned counsel for the appellant and learned
counsel for the State.

The learned Single Judge dismissed the Writ Application
refusing to go into the issue about correctness, illegality or otherwise



of any appointment or non-appointment on the post of Panchayat Shiksha Mitra keeping in mind the Full Bench decision of **Kalpana Rani Vs. State of Bihar & Ors.**, reported in 2014(2) PLJR 665.

Even according to the present appellant, he worked only between 07.05.2005 to 24.05.2005. He was not there as a Panchayat Shiksha Mitra on the magical date which is 01.07.2006. It is not open to him now to agitate the issue of his non-continuance or so-called illegal removal at this juncture. The learned Single Judge has rightly dismissed the Writ Application following the Full Bench decision. There is no infirmity in the order.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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