

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1056 of 2014

IN

Civil Writ Jurisdiction Case No. 13356 of 2013

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1. Md. Maroof Azam, Son of Late Abdur Rasheed Resident of Village- Gaibandhi,
P.S.- Phenhara, District- East Champaran
2. Sunil Kumar Paswan son of Gullin Paswan Resident of Village- Gaibandhi, P.S.-
Phenhara, District- East Champaran Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources
Development Department, Govt. of Bihar, Patna
2. The District Magistrate, East Champaran, Motihari
3. The District Superintendent of Education, East Champaran, Motihari
4. The Block Education Extension Officer, Block- Phenhara, District- East
Champaran
5. Smt. Maha Devi, The Mukhiya wife of Shiv Kumar Singh, Gram Panchayat Raj
Bara Persauni, P.S. Phenhara, District East Champaran
6. Sri Narayan Singh, The Panchayat Secretary, Gram Panchayat Raj Bara
Persauni, P.S. Phenhara, District East Champaran
7. The District Panchayat Raj Officer, East Champaran, Motihari
..... Respondent/s

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Appearance :

For the Appellant/s : Mr. Radha Mohan Pathak
For the Respondent/s : Mr. AAG15- Yogendra Pd. Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 07-04-2017

Heard learned counsels for the parties.

A Three-Men-Committee was set up by the District
Magistrate, East Champaran, Motihari with regard to the
appointment and continuance or the so called illegal removal of
certain Panchayat Teachers of Gram Panchayat Raj Bara Persauni,
since large number of complaints were received by the District
Magistrate, even against the Mukhiya and the manner in which such
appointments were being made or continued. The Three-Men-
Committee conducted an enquiry and submitted report, dated



04.09.2009, which clearly went against the interest of the present appellants. The finding was that they were removed as a Panchayat Shiksha Mitra, but with the connivance of the Headmaster of the schools, they were shown to be continuing as a Panchayat Teacher.

The finding, obviously, had a fall out on the interest of the two appellants. There was even a direction for recovery from the Headmaster of the school. This order, therefore, became the subject matter of challenge in the writ application filed by the present appellants. After a detailed consideration of the issues, the Learned Single Judge vide his judgment and order, dated 16.05.2014, dismissed the writ application, any claim for payment of salary was negated and the finding was that these two appellants stood removed from the post of Panchayat Shiksha Mitra in January, 2006 itself and thereafter there was no occasion for them to continue or even become a Panchayat Teacher by deeming fiction w.e.f. 01.07.2006. A plethora of evidence was gone into and has been also extricated by the Learned Single Judge in his order.

Submission of the counsel for the appellants is that they are covered by a direction issued by the District Superintendent of Education, East Champaran, which is contained in Annexure-3 to the writ application, where a directive was issued that all Panchayat Shiksha Mitra would be allowed to continue, whose contract was not revalidated because of the code of conduct in place relating to panchayat election.

Such submission on behalf of the appellants is



misplaced. The Learned Single Judge has negated the fact there was code of conduct in existence at the relevant time when termination from the post of Panchayat Shiksha Mitra was effected against the appellants on 27.01.2006 and only as a part of conspiracy the Headmaster of the school tried to help these two appellants by trying to show that they were still continuing.

The findings being what they are. Obviously, the appellants cannot be allowed to walk away with the benefit of manipulation that too in connivance of certain powers that be. It is also evident that first information report has also been lodged against the manner in which appointments and continuance has been shown in the concerned Panchayat and those cases are still continuing.

Be that as it may, the Court does not find any infirmity with the conclusion and the declaration made by the Learned Single Judge in dismissing the writ application.

The appeal lacks merit. It is dismissed, as no interference is warranted with the order of the Learned Single Judge.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

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