

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1099 of 2015
IN
Civil Writ Jurisdiction Case No. 19169 of 2010**

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Rajendra Prasad S/o Ganga Ram Mandal R/o village - Durgipatti, P.S. Khutauna, (Madhubani)

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Magistrate, Madhubani
5. The District Panchayat Teacher Appointment Appellate Tribunal, Madhubani
6. The District Superintendent of Education, Madhubani
7. The Block Development officer, Khutauna, Madhubani
8. The Block Education Extension officer, Khutauna, Madhubani
9. The Mukhiya, Durgapatti Gram Panchayat, Khutauna, Madhubani
10. The Head Master, Primary School, Udara, Durgapatti, Madhubani
11. The Panchayat Secretary, Durgapatti Gram Panchayat, Khutauna, Madhubani
12. Raj Lal Sah S/o Sri Bindeshwar Sah R/o village - Kamalpur, P.S. Khutauna, District - Madhubani

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Yugal Kishore Sr. Advocate Mr. Ashok Kumar Mr. Sanjay Kumar
For the Respondent/s	:	Mr.

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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: 03-08-2017

The issue relating to appointment, non-appointment or illegal appointment in relation to Panchayat Shiksha Mitra has now become academic in view of the settled position in law rendered in the case of *Kalpna Rani Vs. The State of Bihar & ors., reported in 2014 (2)*



PLJR 665. The Full Bench, vide aforesaid pronouncement, has clearly laid down the law that any person, who was continuing on the post of Panchayat Shiksha Mitra on 01.07.2006, after coming of the new rule relating to the appointment of Panchayat Teacher, will become by deeming fiction a Panchayat Teacher. Since the post of Panchayat Shiksha Mitra is no longer available after the said date, the issue of any illegality committed by appointing or non-appointing a person on the post of Panchayat Shiksha Mitra is not an issue of debate any further. Decision of Learned Single Judge seems to be correct.

Appeal has no merit. It is dismissed, accordingly.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

SKM/-

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