

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9360 of 2017

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Santra Kumari, Wife of Ajit Kumar, daughter of Rampati Ram, resident of
Village- Bailouni, P.O.- Mapho, P.S.- Korma, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Human Resources Development Department, New Secretariat, Patna.
2. The Block Education Officer, BEO Block Ghat Kushumba under District- Sheikhpura.
3. The Block Development Officer, BDO Block Ghat Kushumba under District Sheikhpura.
4. The Panchayat Secretary, namely under Panchayat Ghat Kushumba, District- Sheikhpura.
5. The Mukhiya namely..... gram Panchayat, District- Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar

For the Respondent/s : Mr. Pramod Kr. Singh -Sc16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 22-12-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the instant case is
for payment of salary as well as for staying proceeding initiated
against the petitioner vide letter no. 127 dated 30.5.2017.

Learned counsel appearing on behalf of the petitioner
has placed reliance on the decision of this court in C.W.J.C. No.
408 of 2012 dated 02.07.2013 where by the issue raised in the
present writ application has been answered by respondent no.4.
The co-ordinate Bench has occasioned to examine various aspects



of the appointment of Panchayat Shiksha Mitra and Panchayat Shikshak and the writ court on consideration of the entire claim of appointment of Panchayat Shikshak and Panchayat Shiksha Mitra held out that termination of the petitioner in that case on the ground of below 18 years of age was quashed.

Referring to the entire claim of the appointment of Panchayat Shikshak in the present case the petitioner has not been terminated on the ground of proceeding initiated against him and if the petitioner has regularly working, the respondents are required to make payment of salary for the period the petitioner has regularly working.

So far as the proceeding initiated against the petitioner for his appointment below the age of 18 years is concerned, the said issue is covered by a judgment in C.W.J.C. No. 408 of 2012 dated 2.7.2013 and also in the case of Saroj Kumar and others Vs. The State of Bihar and ors. reported in 2013 PLJR 897 and in CWJC No. 7737 of 1991 and analogous cases, the respondents are accordingly directed to consider the case of the petitioner in the light of the aforesaid judgment of this court. So far as the case of the petitioner for payment of salary is to be addressed by District Programme Officer within a period of three months from the date of receipt/production of a copy of this order.



With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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