

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1584 of 2013
Arising out of
Civil Writ Jurisdiction Case No. 2687 of 2010**

=====

Madhavi Upadhyay Wife of Bimlesh Kumar Upadhyay, Resident of Village and Post Office- Mangraon, Police Station- Kachhawan, District- Rohtas.

.... Appellant/s

Versus

1. The State Of Bihar Through The Secretary, Primary And Adult Education Department, Government Of Bihar, Patna
2. The District Magistrate-Cum-Chairman, Sarv Shiksha Abhiyan, Rohtas At Sasaram
3. The Deputy Development Commissioner-Cum-Vice Chairman, Sarv Shiksha Abhiyan, Rohtas At Sasaram
4. The District Superintendent Of Education-Cum-District Programme Co-Ordinator, Rohtas At Sasaram
5. The District Teacher Employment Appellate Authority, Rohtas At Sasaram Through It'S Chairman, Dhanwantri Chikitsa Kendra, 3rd Floor, Raj Colony, Sasaram
6. The Block Education Extension Officer, Nasariganj, Police Station- Nasariganj, District- Rohtas
7. The Mukhiya, Gram Panchayat Mangraon, Police Station- Kachhawan, District- Rohtas
8. The Panchayat Sevak-Cum-Secretary of Gram Panchayat Mangraon, Police Station- Kachhawan, District- Rohtas
9. The President, Gram Shiksha Samiti Mangraon, Police Station- Kachhawan, District- Rohtas
10. Rina Kumari, Wife of Ram Kumar Upadhyay, Resident of Village And Post Office- Mangraon, Police Station Kachhawan, District- Rohtas

.... Respondent/s

=====

Appearance:

For the Appellant/s : Mr. Arun Kumar Singh, Advocate.
For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 02-03-2017

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench on 19.03.2013 whereby



the challenge to the order dated 06.01.2010 passed by the District Teachers Employment Appellate Authority, Sasaram was not interfered with.

The appellant and the respondent no.10 were the candidates for the appointment of Shiksha Mitra, in which selection process, the respondent no.10 was appointed.

The appellant challenged the appointment of the respondent no.10 before the District Teachers Employment Appellate Authority, Sasaram. The Appellate Authority vide order dated 06.01.2010 dismissed the appeal of the appellant and returned a finding that the appointment of Rina Kumari as Shiksha Mitra is proper.

It is the said order which was not interfered with by the learned Single Bench. Still aggrieved, the appellant has filed the present Letters Patent Appeal.

Full Bench of this Court in the case of Kalpna Rani Vs. The State of Bihar, 2014 (2) PLJR 665, has held that after the commencement of the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rules, 2006, the appointment of Shiksha Mitra cannot be challenged.

In view of the said Full Bench Judgment and the fact that the District Teachers Employment Appellate Authority has



found the appointment of Rina Kumari as valid, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	

