

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9506 of 2013

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Smt. Mamta Kumari, W/O Manoj Kumar, R/O Village- Dhimoe, P.O.-
Gopalpur, P.S.-Harnaut, District- Nalanda, Dismissed Block Teacher,
Upgraded Middle School, Dhimoe, Harnaut, Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, (Primary Education), Department of Education, Government of Bihar, Patna.
5. The District Education Officer, Nalanda, District-Nalanda (Biharsharif).
6. District Program Officer, Establishment, Nalanda, District-Nalanda (Biharsharif).
7. The Block Education Extension Officer, Harnaut, District-Nalanda (Biharsharif).
8. The District Magistrate, Nalanda, District- Nalanda (Biharsharif).
9. The Block Development Officer, Harnaut, District-Nalanda (Biharsharif).
10. The Block Teachers Appointment Committee, Harnaut, District-Nalanda (Biharsharif).
11. Panchayat Appointment Committee, Chuaria Panchayat, Harnaut, District- Nalanda (Biharsharif).

.... Respondents

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Appearance :

For the Petitioner : Mr. Anil Kumar Sinha and Mr. Hansraj,
Advocates.
For the State : Mr. Binita Singh, S.C. 28 and Mr. Nishad
Kumar Jha, A.C. to S.C. 28.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 22-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The following reliefs have been sought for by the
petitioner in the present writ application.

“1. That this is an application praying



for issuance of a writ in the nature of writ of certiorari or any other appropriate writ, order or direction for quashing the Letter bearing No. 549/Harnaut dated 08.04.2013, issued by the respondent no. 9 (as contained in Annexure-9) whereby the petitioner has been removed from the post of Block Teacher on the ground that reservation roster was not followed and it is further prayed for issuance of consequential writ in the nature of writ of mandamus or any other appropriate writ, order or direction commanding the respondents to reinstate the petitioner on the post of Block Teacher immediately with all consequential and monetary benefits and not to interfere with the services of the petitioner except in accordance with law.”

Considering the reliefs as sought for by the petitioner in the present writ application, the petitioner is directed to prefer statutory appeal before the District Appellate Authority, Nalanda at Biharshariff for redressal of his grievance within a period of thirty days from the date of the order, which shall be disposed of in accordance with law within the statutory period.

It has been submitted by learned counsel for the petitioner that as per the decision of this Court in the case of (Kalpana Rani Vs. The state of Bihar & Ors)., reported in 2014(2) PLJR 665, paragraph no. 106 in which it has been held that initial



appointment as 'Panchayat Shiksha Mitra' can not be looked into after service of the petitioner has been absorbed as 'Panchayat Teacher' as the said scheme of 'Panchayat Shiksha Mitra' is no more in existence.

The District Appellate Authority, Nalanda at Biharshariff shall consider the submissions made on behalf of the petitioner and pass an appropriate order in accordance with law.

With the aforesaid observations and directions, the present writ application stands disposed of.

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(Sudhir Singh, J)

