

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16272 of 2013

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1. Kumari Sangita Mishra, wife of Hemant Kumar Pandey, resident of Village - Bariyawan, Tola - Pandit Bigha, P.S. Mali, District – Aurangabad.
 2. Sanju Kumari, wife of Rajesh Sharma, resident of Village - Mohar Karma, P.S. Mali, District - Aurangabad (Bihar).
 3. Santlesh Paswan, son of Tunna Paswan, resident of Village - Bariyawan, P.S. Mali, District – Aurangabad.

.... Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretary, Bailey Road, Patna.
3. The District Programme Officer-cum-District Education Officer, (Establishment) Aurangabad.
4. The Block Development Officer-cum-Executive Officer, Panchayat Samit, Nabinagar, Aurangabad.
5. The Block Education Officer, Nabinagar, Aurangabad.

.... Respondents

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Appearance :

For the Petitioners : M/S. Umesh Pathak, Sanjay Kumar Mishra
and Shailendra Kumar, Advocates.
For the State : Mr. Amaresh Kumar Sinha, A.C. to G.A. 1.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-11-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

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

“1. That, by this application, the
petitioners are invoking the writ
jurisdiction of this Hon’ble Court for
issuance of directions to the
concerned respondents in the nature
of writ of mandamus to appoint the
petitioners to the post of Panchayat
Shikshak setting aside the part of the



order contained in Memo No. 558 dated 06.05.2013 issued under the signature of the Block Development Officer-cum-Executive Officer, Panchayat Samiti, Nabinagar, whereby and whereunder the services of the petitioners and others have been terminated even without giving the petitioners an opportunity to the petitioners.”

Considering the reliefs as sought for by the petitioners in the present writ application, the petitioners are directed to prefer statutory appeal before the District Appellate Authority, Aurangabad, for redressal of their grievances 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 petitioners that the case of the petitioners is squarely covered by the order of this Court passed 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 services of the petitioners have been absorbed as ‘Panchayat Teacher’ as the said scheme of ‘Panchayat Shiksha Mitra’ is no more in existence.

The District Appellate Authority, Aurangabad,



while considering the appeal of the petitioners shall consider the submissions made on behalf of the petitioners 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)

