

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9 of 2017

=====

Manoj Kumar son of Sitaram Mahto resident of Village - Ramhima, P.S. -
Barh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna.
3. The District Teachers Appointment Appellate Authority, Patna through its Secretary.
4. The District Magistrate, Patna.
5. The District Program Officer, Patna.
6. The Block Education Officer, Belchhi, District - Patna.
7. The Gram Panchayat, Sarkati, District - Patna through the Panchayat Secretary.
8. The Mukhiya, Gram Panchayat, Sarkati, District - Patna.
9. The Panchayat Secretary, Gram Panchayat, Sarkati, District - Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Advocate
For the State : Mr. Narendra Kumar, AC to GP20

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-11-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner has filed the instant writ petition for quashing of the order dated 8th February, 2016 passed by the District Teachers Employment Appellate Authority in Appeal Case No. 47 of 2014 dismissing the appeal.

The grievance of the petitioner in the instant case is that vide Annexure-5 letter dated 20th May, 2005 his engagement as Shiksha Mitra was wrongly cancelled. He submits that the petitioner had earlier approached this Court in CWJC No. 14298



of 2006 and vide order dated 30th August, 2011 the writ petition was permitted to be withdrawn with liberty to approach the District Teachers Employment Appellate Authority to ventilate the grievance. The petitioner filed Appeal Case No. 47 of 2015 pursuant to the order of the writ Court dated 30.8.2011. He submitted that the Appellate Authority has not considered the case of the petitioner in proper perspective. According to the counsel for the petitioner the petitioner had approached the authority for extension of his services as Shiksha Mitra but the same was not accepted by the respondents and due to the default of the respondents the services of the petitioner was not extended. From 1.7.2006 pursuant to Rules, 2006 the Shiksha Mitra were converted into Panchayat Shikshan but the case of the petitioner was not considered by the Tribunal. He submits that the District Teachers Employment Appellate Authority has not looked into the grievance of the petitioner properly and as such rejected the claim vide order dated 8th February, 2016.

The order dated 1.2.2016 contained in Annexure-9 passed by the District Teachers Employment Appellate Authority indicates that on 1.7.2006 the petitioner was not continuing as Shiksha Mitra and as such his claim for consideration at this stage is not maintainable.



After going through the materials on record and on consideration of the order passed by the District Teachers Employment Appellate Authority as contained in Annexure-9, I do not find any infirmity in the order passed by the Appellate Authority as the issue of Shiksha Mitra cannot be now examined in this proceeding as admittedly on 1.7.2006 the petitioner was not continuing as Shiksha Mitra. Now the chapter of Shiksha Mitra has been closed by virtue of the Full Bench judgment and it cannot be reopened at this stage.

Counsel for the petitioner vehemently argued that on the date of issuance of the order as contained in Annexure-5, the petitioner was intermediate and as such he was wrongly removed and his engagement was cancelled but the appellate authority has not looked into this aspect of the matter while passing the order as contained in Annexure-9.

Be that as it may, the issue of Shiksha Mitra is now closed chapter and cannot be reopened at this stage.

The writ petition, being devoid of merit, is dismissed.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

