

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1329 of 2016

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Sanjeev Kumar Singh, Son of Tejnarayan Singh, Resident of village Jala, P.O. Kajhiya, District - Banka

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Patna
2. District Teacher Selection Appellate Authority, Banka
3. Deputy Development Commissioner, Banka
4. The District Superintendent of Education, Banka
5. The Block Development Officer, Banka, District - Banka
6. The Block Education officer, Banka, District Banka
7. Mukhia, Gram Panchayat Kajhiya, Block - Banka, District - Banka
8. Panchayat Sachiv, Gram Panchayat Kajhiya, Block Banka, District - Banka

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Nath Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 12-04-2018

Challenging the judgment dated 09.05.2016 passed by the learned Writ Court in CWJC No.7874 of 2014, the writ petitioner-appellant had preferred this Intra-Court Appeal.

2. By the impugned judgment, the learned Writ Court has refused to interfere with the order dated 04.01.2014, as contained in Annexure-15 to the writ application, passed by the District Teachers Employment Appellate Tribunal, Banka (hereinafter referred to as 'the Tribunal') by which the Tribunal had been pleased to hold



that the appeal preferred by the petitioner was not maintainable and misplaced.

3. A perusal of the writ application and the stand of the writ petitioner in the present appeal would show that admittedly the contract of the petitioner as Panchayat Siksha Mitra was not extended after 16.06.2005. It is the grievance of the petitioner that he applied for extension of his service in due time, but Mukhiya did not extend his service and a complaint in this regard was made by him. In the aforesaid facts situation, the appellant moved before the Tribunal giving rise to Appeal Case No.20/2012. The Tribunal considered the matter and held that the claim of the petitioner that his engagement as Siksha Mitra was extended from 16.07.2004 to 16.06.2005 did not find support from the appointment register of Siksha Mitra. The said register contains details of all the Siksha Mitra appointed and their extension from time to time. In terms of Rule 20(1) of the Bihar Panchayat Elementary Teacher (Employment and Service Condition) Rule, 2006 with effect from 01.07.2006 all the orders relating to appointment of Siksha Mitra stood cancelled and the persons who were working as Siksha Mitra were taken as Panchayat Teacher. Since the petitioner was not working as Siksha Mitra, after 01.07.2006 he cannot be allowed to raise any grievance as respect his non-extension of contract as Siksha Mitra.



4. In the aforesaid view of the matter, we do not find any illegality or infirmity in the order passed by the learned Writ Court.

5. The Letters Patent Appeal has no merit. It is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
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