

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2144 of 2016

In

Civil Writ Jurisdiction Case No.4257 of 2011

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Sarita Kumari @ Kumari Sarita Devi Wife of Shri Pramod Kumar Chaubey
Resident of Village & P.O. Rajpur, Police Station- Raghunathpur, District-
Siwan, at present posted and working as Panchayat Teacher in newly created
primary school Lachhipur Tola, Anchal Raghunathpur, District Siwan.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department,
Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Divisional Commissioner, Saran Division at Chapra.
5. The District Magistrate, Siwan.
6. The Deputy Development Commissioner-cum-Chairman, District Education
Establishment Committee, Siwan.
7. The District Superintendent of Education, Siwan.
8. The Block Development Officer, Raghunathpur, District Siwan.
9. The Block Education Officer, Raghunathpur, District Siwan.
10. Shri Sitaram Yadav, the Ex- Mukhiya of Gram Panchayat Raj Rajpur, Block-
Raghunathpur, District- Siwan.
11. Shrimati Sunita Devi, the Present Mukhiya of Gram Panchayat Raj Rajpur,
Block- Raghunathpur, District- Siwan.
12. Shri Awadhesh Prasad Singh, the Ex- Panchayat Secretary of Gram Panchayat
Raj Rajpur, Block- Raghunathpur, District- Siwan.
13. Shri Surendra Ram, the Present Panchayat Secretary of Gram Panchayat Raj
Rajpur, Block- Raghunathpur, District- Siwan.
14. The Member, District Teacher's Employment Appellate Authority, Siwan.
15. Anita Kumari Daughter of Late Prem Shankar Mishra, Wife of Shri
Umashankar Mishra, Resident of Village & P.O. Rajpur, Police Station-
Raghunathpur, District- Siwan.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Abhinav Srivastava Advocate Mr. Ranjan Kumar Dubey Advocate
For the Respondent/s	:	Mr. Ashutosh Ranjan Pandey AAG15
For Respondent No. 15	:	Mr. Umesh Mishra Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 08-01-2018 Heard learned counsel for the parties.

Besides what had been laid down by the Full Bench in *Kalpana Rani's case, reported in 2014 (2) PLJR 665*, the legal position has not altered that only such persons, who were validly continuing on the post of Panchayat Shiksha Mitra, by a deeming fiction became a Panchayat Teacher w.e.f. 01.07.2006. Thereafter the 2006 Rules came into force and no person could be appointed on a non-existent post of Panchayat Shiksha Mitra. So far as appointment on the post of Panchayat Teacher is concerned that could be carried out on the basis of the guidelines laid down in the 2006 Rules.

The whole dispute in the present appeal related to the valid or invalid selection, if not non-selection of the present appellant or her selection after cut-off date on the post of Panchayat Shiksha Mitra. The entire exercise done by all the forums in this regard, especially the District Teachers Employment Appellate Tribunal was a wasted exercise. There was no occasion to consider or give direction for appointment on a non-existent post of Panchayat Shiksha Mitra after 01.07.2006.



For the reasons above, this Court will not interfere with the
order of the Learned Single Judge, dated 20.10.2016.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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