

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20292 of 2014

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Manoj Kumar son of Bhagawan Das Chauhan, Resident of Village- Itarhi,
Post- Itarhi, P.S.- Itarhi, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, of Human Resources Department, Bihar at Patna
2. The Director, Primary Adults Education Department of State of Bihar, Patna
3. The Secretary, Gram Panchayat Raj, Department of the State of Bihar, Patna
4. The District Magistrate, Buxar
5. The District Education Officer, Buxar
6. The District Programme Officer, Buxar
7. The Block Development Officer, Itarhi, District- Buxar
8. The Mukhiya, Gram Panchayat, Itarhi, District- Buxar
9. The Panchayat Secretary, Gram Panchayat, Itarhi, District- Buxar
10. Manoj Kumar Gupta son of Parmeshwar Dayal Gupta, Resident of Village- Itarhi, Post- Itarhi, P.S.- Itarhi, District- Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. RBN Singh, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 31-08-2018

Today the case has been listed under the heading “For Dismissal” in view of the fact that when the case was listed on previous occasions, no one had appeared on behalf of the petitioner. Unfortunately, today also no one appears on behalf of the petitioner to assist the Court.

Under the aforesaid circumstances, the Court is constrained to dispose of the writ petition on the basis of the pleadings available on the record.

The dispute in the instant case pertains to appointment of Shiksha Mitra. From perusal of Annexure-6, it appears that the



selection of Shiksha Mitra was cancelled on 27.8.2005. That decision was challenged by the writ petitioner in CWJC No. 220 of 2006, which was disposed of on 11.7.2007 with a direction to the District Magistrate, Buxar to consider and dispose of the claim of the petitioner. Thereafter the issue of appointment of Shiksha Mitra was examined afresh under the Chairmanship of the Block Development Officer and while reviewing the selection it was found that this petitioner was not holding requisite qualification.

On behalf of the respondents a counter affidavit has been filed in which in paras 5 to 10 following stand has been taken:-

“5. That the petitioner was selected as Panchayat Shiksha Mitra on 13.05.2005 by the Mukhiya of the concerned Gram Panchayat. After complaints against the appointment of the Panchayat Shiksha Mitra of the concerned Panchayat, the S.D.O. Buxar, B.D.O. Itarhi and B.E.E.O., Itarhi have sent the enquiry report and recommendation to the D.M., Buxar for cancellation of the appointment of the Panchayat Shiksha Mitra of Itarhi Gram Panchayat, Buxar.

6. That the District Magistrate, Buxar issued a letter to the Mukhiya of Gram Panchayat, Itarhi, Buxar regarding the cancellation of appointment of the Panchayat Shiksha Mitra on the basis of enquiry reports of the Sub-Divisional



Officer, Buxar, the Block Development Officer, Itarhi and Block Education Extension Officer, Itarhi, their appointment is illegal vide Letter no. 759 dated 27.08.2005.

7. That thereafter, the petitioner along with other candidates were filed writ application bearing CWJC No. 220 of 2006 before this Hon'ble Court and his lordship disposed of the writ application on 08.12.2008 with a direction to the petitioner to file representation before the District Magistrate, Buxar. Upon receipt of such representation, the District Magistrate, Buxar shall consider and dispose of the same by a reasoned order in accordance with law.

8. That after receiving of the representation of the petitioners, the District Magistrate, Buxar passed a reasoned and speaking order dated 19.02.2008 and rejected the claim of the petitioner on ground that pursuant to the letter of the State Government vide letter no. 108 dated 01.02.2007 cut-off date i.e. 01.02.2006 has fixed, no one can be appointed on the post of Panchayat Shiksha Mitra, after cut -off date fixed by the State Government.

9. That it is relevant to mention here that Bihar Primary Panchayat Teacher (Appointment and Service Conditions) Rules, 2006 was notified by the State Government on 01.7.2006 vide notification no. 974 dated 01.07.2006. After notification, the post of Shiksha Mitra was abolished from 01.07.2006 and all



working Shiksha Mitra absorbed the post of Panchayat Teacher.

In this case, the petitioner, namely, Manoj Kumar was selected as Panchayat Shiksha Mitra on 13.05.2005. After complaints against the appointment of the Panchayat Shiksha Mitra, the SDO, Buxar, BDO Itarhi and BEEO Itarhi have sent the enquiry report and recommendation to the D.M. Buxar for cancellation of the appointment of the Panchayat Shiksha Mitra of Itarhi Gram Panchayat, Buxar. On the basis of the enquiry report, the District Magistrate, Buxar issued the letter to the Mukhiya of Itarhi Gram Panchayat for cancellation of the appointment of the Panchayat Shiksha Mitra. The petitioner was not working as Panchayat Shiksha Mitra from 13.05.2005 to 01.07.2006. Therefore, he was not entitled to as Panchayat Teacher or any relief in the light of aforesaid circular of the State Government.

10. That it is also relevant to mention here that the State Government relied upon the Full Bench judgment passed by this Court in the case of Kalpana Rani Versus State of Bihar and Ors. (PLJR 2014 (2) 665), after 01.07.2006, no person who was earlier an aspirant for the post of Panchayat Shiksha Mitra, can be appointed only because his or her name figured in the panel of Panchayat Shiksha Mitra. The post of Panchayat Shiksha Mitra has been abolished with effect from 01.07.2006 and after abolished of the post, no one can be appointed on the post of



Panchayat Teacher on the basis of his mere empanelment of Panchayat Shiksha Mitra.

In view of the taken in the judgment of Division Bench in the case of Smt. Renu Kumari Pandey & Ors. Vs. The State of Bihar & Ors. (2011 (4) PLJR 297), held that on and after 1st July, 2006 the cadre of Panchayat Shiksha Mitra stands abolished, no further appointment, therefore, can be made to the post of Panchayat Shiksha Mitra absorbed as Panchayat Teacher by operation of Rule 20(iii) of the Rules of 2006 are governed by the Rules of 2006.”

In view of the fact that the matter relating to recruitment, etc. of Shiksha Mitra is a closed chapter after the judgment of the **Full Bench in the case of Kalpana Rani Versus State of Bihar and Ors.: PLJR 2014 (2) 665**, the Court does not find any infirmity in the impugned order warranting interference at this stage.

The writ petition is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2018
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