

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16741 of 2012

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Wakil Prasad Yadav Son Of Sri Baban Yadav Resident Of Village- Titayc Hak, P.O.- Mananpur, P.S.- Chanan, Distt.- Lakhisarai, At Present Posted As Panchayat Teacher In Upgraded Middle School Dharmpur, P.O.- Malia, P.S.- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The District Magistrate, Lakhisarai
3. The District Teachers Selection Appellate Authority, Lakhisarai Through Its Secretary
4. The District Programme Officer (Establishment), Lakhisarai
5. The Block Development Officer, Lakhisarai
6. The Block Education Officer, Lakhisarai
7. The Mukhia, Gram Panchayat Raj Malia, P.O.- Malia, P.S.- Chanan, District- Lakhisarai
8. The Panchayat Secretary, Gram Panchayat Raj Malia, P.O. Malia, P.S.- Chanan, District- Lakhisarai
9. The Head Master, Upgraded Middle School, Dharampur, P.O.- Dharampur, P.S.- Chanan, Distt.- Lakhisarai
10. Jay Kishore Kumar Son Of Late Borhan Prasad Resident Of Village- Manpur, P.O.- Malia, P.S.- Chanan, District- Lakhisarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto
For the Respondent/s : Mr. V.M.K Sinha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 28-11-2018 Heard learned counsel for the petitioner, State and respondent no.10.

In view of the judgment of the full bench in the case of **Kalpana Rani Vs. State of Bihar & Ors. reported in 2014(2) PLJR 665**, the post of Shiksha Mitra ceases to exit with effect from 1.7.2006. Once the post of Shiksha Mitra ceases to exist, the respondent authorities have absolutely no jurisdiction



to issue any direction for appointment of any person on the post of Shiksha Mitra. Accordingly, the direction issued by the respondents Annexue-10 dated 9.8.2012 is without jurisdiction and is accordingly quashed.

Consequently the status of the petitioner is restored to the position existing on 9.8.2012.

In view of the above, the order passed by the Tribunal cannot sustain. It is accordingly, quashed.

The writ petition is accordingly allowed.

(Anil Kumar Upadhyay, J)

Ravi/-

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