

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.707 of 2017

In

Civil Writ Jurisdiction Case No.1472 of 2016

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Dharmendra Kumar S/o Sri Ram Sohan Mahto R/o Village - Hazpurwa, P.S.
Warisnagar, District - Samastipur.

... .. Appellant

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director (Primary Education), Govt. of Bihar, Patna.
3. The Member, District Teachers Employment Appellate Tribunal, Samastipur.
4. The District Magistrate, Samastipur.
5. The District Education Officer, Samastipur.
6. D.P.O. (Establishment), Samastipur.
7. The Block Development Officer, Warisnagar, Samastipur.
8. The Block Education Officer, Warisnagar, Samastipur.
9. The Selection Committee of Panchayat Raj, Mohiuddinpur through its Mukhiya.
10. The Panchayat Secretary, Gram Panchayat Raj Mohiuddinpur, P.S. - Warisnagar, District - Samastipur.
11. Sudha Rani Wife of Sushil Pandey resident of village - Hajpurwa, P.S. - Warisnagar, District - Samastipur.
12. Anwareen Sultana Wife of Nasir Ali resident of Village - Mohiuddinpur, P.S. - Warisnagar, Anchal - Warisnagar, District - Samastipur.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Nawal Kishor Singh
For the Respondent/s : Mr. Ashutosh Ranjan Pandey-Aag15

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 03-05-2018

Heard counsel for the appellant and counsel for the State.

The writ application of the private respondent No.12 was allowed by the learned single Judge and rightly so because any person, who was initially appointed as a Panchayat Shiksha



Mitra, became a Panchayat Teacher by a deeming fiction with effect from 01.07.2006. Such illegality or infirmity in the engagement as a Pachayat Shiksha Mitra cannot be used for removal of a candidate who had become Panchayat Teacher by virtue of the 2006 Rules, which has been fully dealt with in a Full Bench decision rendered in the case of ***Kalpana Rani Vs. The State of Bihar and Ors.***, reported in **2014 (2) PLJR 665**.

Since the decision of the learned single Judge is in conformity with the Full Bench decision and the ratio laid down therein, the order of the learned single Judge impugned dated 06.03.2017 cannot be said to be erroneous which is required to be interfered with in appeal.

The appeal lacks merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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