

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2499 of 2017

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Meera Kumari, Wife of Sanjay Kumar, resident of Village- Pipra Hari (Balwa), P.S.
& District- Supaul. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director (Primary Education), Education Department, Govt. of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The District Education Officer, Supaul.
5. The District Programme Officer (Establishment)-cum-Nodal Officer, Supaul.
6. The Block Development Officer-cum-Member Secretary, Block Teacher Employment Committee, Supaul.
7. The Block Education Officer, Supaul
8. The Panchayat Secretary-cum-Member Secretary, Panchayat Teacher Employment Unit, Balwa, Anchal & District- Supaul.
9. The Headmaster, Utkramit Middle School, Balwa, Anchal & District- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate
Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Smt. Shilpa Singh- GA12
Mr. Ranjan Kumar, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 15-03-2018

Heard learned counsel for the petitioner and State.

2. Vide order dated 02.02.2017 (Annexure-6), the petitioner has been terminated on the ground that on the date of engagement as Shiksha Mitra, the petitioner was below 18 years.

3. Learned senior counsel appearing on behalf of the petitioner submits that neither the decision is in accordance with law nor factually correct. In the matter of engagement as Panchayat Shiksha Mitra, there was no minimum age prescribed and as such now the respondents cannot terminate the petitioner after 11 years of service, as Panchayat Shikshak. He submits that the contention of the Block Development Officer, Supaul is totally misconceived, as on the



date of engagement of the petitioner as Panchayat Shiksha Mitra on 17.05.2005 by way of fresh contractual engagement for 11 months the petitioner was 18 years old and as such the decision of the respondent contained in Annexure-6 is factually incorrect and contrary to law.

4. In view of the fact that on the date of engagement of the petitioner vide Annexure-4, the petitioner was 18 years old, no infirmity can be found on the engagement of the petitioner as Panchayat Shiksha Mitra and once the status of the petitioner has undergone a change by virtue of 2006 Rules w.e.f. 01.07.2006, whereby the petitioner was absorbed as Panchayat Teacher, the action of the respondent is illegal and arbitrary and as such cannot sustain.

5. Accordingly, the order as contained in Annexure-6 is hereby quashed. The petitioner shall be treated to be in continuous service as if Annexure-6 is never existed. The respondents are directed to workout to the reinstatement and all consequential benefits to the petitioner within a period of 60 days from the date of receipt/production of a copy of this order.

6. With the aforesaid, the writ application stands allowed.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2018
Transmission Date	

