

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18662 of 2011

=====

Md. Gulzar Alam S/O Late Md. Amiruddin R/O Village- Islampur, P.S.- K. Nagar, District- Purnia

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Principal Secretary Human Resources Development Department, Govt. Of Bihar, Patna
2. The Principal Secretary Human Resource Development Department, Govt. Of Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The Collector-Cum-District Magistrate, Purnia
5. The District Education Officer, Purnia
6. The Block Development Officer, K. Nagar Block, K. Nagar, Purnia
7. The Block Education Officer, K. Nagar Block, K. Nagar, Purnia
8. The Mukhiya, Gram Panchayat Raj Bithnauli Purab, K. Nagar Block, Purnia
9. The Panchayat Teachers Employment Unit Gram Panchayat Raj Bithnauli Purab, K. Nagar Block, Purnia Through Its Member Secretary
10. The Panchayat Sachiv-Cum-Member Secretary Panchayat Teacher Employment Unit, Gram Panchayat Raj Bithnauli Purab, K. Nagar Block, Purnia
11. The Head Master, Govt. Primary School, Islampur, Purnia

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Sushant Praveer, AC to SC-9

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 03-07-2018 This matter was listed earlier on different dates but no one had appeared on behalf of the petitioner to assist the Court. Under the compelling circumstances, the case has been listed for disposal today. No one has appeared on behalf of the petitioner today also.

This writ petition was filed in the year 2011 for commanding the respondents to allow the petitioner to perform the duty of Panchayat Teacher and also to pay his due arrear of



salary.

From the pleadings it appears that the petitioner was appointed as Shiksha Mitra on 20.4.2003 and subsequently his service was extended. Lastly, on 2.4.2005 his service as Shiksha Mitra was extended. It further appears that due to imposition of model code of conduct his contract of service could not be extended in 2006.

Referring to the letter of the Director, Primary Education dated 8.8.2006, it is submitted that in view of the said letter contained in memo no. 1219 dated 8.8.2006, the respondents are required to consider the case of those Shiksha Mitra for absorption as Panchayat Teacher whose services were not renewed on account of enforcement of model code of conduct. In para No. 18 of the writ petition there is statement that till November, 2006 the petitioner has regularly performed his duty. We are in 2018. The petitioner has approached the court after five years of impugned action of the respondents.

In the aforesaid fact situation, the court has reason to believe that the petitioner was reluctant in pursuing his case except for payment of arrears of salary for the period the petitioner has worked. There is specific direction by this Court vide order dated 24.10.2011 so far as the payment of salary to



the petitioner for the period the petitioner has actually worked.

Since no one is appearing on behalf of the petitioner, the writ petition is disposed of with a direction to the petitioner to file a representation along with a copy of this order within a period of two weeks from today and pursue the authority that on account of implementation of model code of conduct his contract as Shiksha Mitra could not be extended and his case is protected in terms of memo No. 1219 dated 8.8.2006. In case such representation is filed by the petitioner respondents are hereby directed to dispose of the same within a period of two months from the date of filing of such representation.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

