

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13033 of 2011

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Mira Singh W/O Late Kanhaiya Singh R/O Vill.-Keshopur, P.S. Barhara,
Distt.-Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Teachers Appointment Appellate Authority, Bhojpur (Ara)
Through Its Member.
3. The District Magistrate, Bhojpur At Ara.
4. The District Superintendent Of Education, Bhojpur At Ara.
5. The Block Education Extension Officer, Barhara, Distt.-Bhojpur.
6. The Block Development Officer, Barhara, Distt.-Bhojpur.
7. The District Panchayat Raj Officer, Bhojpur At Ara.
8. The Panchayat Secretary, Gram Panchayat Raj Semariya Padariya, P.S.-
Barhara, Distt.-Bhojpur.
9. Mona Kumari W/O Raj Kumar Suman R/O Vill.-Keshopur, P.O.-Manoharpur,
P.S.-Barahara, Distt.-Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Sr. Advocate Mr. Prabhat Kumar Singh, Mr. Prem Ranjan Ran
For the State	:	Mr. Mrigendra Kumar, AC to GA 4
For Respondent no. 9	:	Mrs. M Chatterjee

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 13-09-2018

Heard learned counsel for the petitioner, learned counsel
appearing on behalf of the State and Mrs. Mahashweta Chatterjee,
learned counsel representing respondent no.9.

The issue involved in the present writ application is the
validity of the decision of the District Teachers Employment
Appellate Authority, Bhojpur at Ara dated 11.04.2011 in Appeal
No. 27 of 2010.



Mr. Ashok Kumar Singh, learned senior counsel appearing for the petitioner submits that the post of Shiksha Mitra ceased to exist after coming into force the 2006 Rules, whereby the post of Shiksha Mitra was abolished and in place of Shiksha Mitra the post of Panchayat Shikshak was introduced. By operation of the 2006 Rules, those Shiksha Mitras who were working on 01.07.2006 were absorbed as Panchayat Shikshak. In view of the statutory change of the status of the petitioner from Shiksha Mitra to Panchayat Shikshak on 01.07.2006, the Tribunal has no jurisdiction to examine the legality and validity of appointment of Shiksha Mitra after 01.07.2006.

The issue raised in the present case is squarely covered by the decision of a Full Bench of this Court in the case of ***Kalpana Rani vs. State of Bihar & Ors. [2014(2) PLJR 665]***. In view of the authoritative pronouncement of the Full Bench the Court is of the view that the decision of the Tribunal dated 11.04.2011 is totally without jurisdiction and as such the order dated 11.04.2011 in Appeal No. 27 of 2010 contained in Annexure-7 cannot sustain. It is accordingly quashed.

The respondents are hereby directed to restore the position of the petitioner prior to 01.07.2006 and grant all



consequential benefits within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed.

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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