

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22116 of 2018

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Shyam Bharti Wife of Ram Prakash Yadav .Resident of Village-Khaira,P.S.
Bhairav Asthan,P.O. Imadpatti,Via-Jhanjharpur,Distt.-Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary to Govt. of Bihar,Department of Human Resources Education,Patna
3. The Director,Primary Education, Government of Bihar,Patna
4. The Divisional Commissioner,Darbhang Division Darbhanga
5. The District Magistrate,Madhubani
6. The Regional Deputy Director of Education, Darbhanga Division Darbhanga
7. The District Education Officer,Madubani
8. The District Programme Officer ,Madhubani
9. The Block Education Officer,Jhanjharpur,Distt.-Madhubani
10. The Mukhiya,Gram Panchayt Raj,Kako,Block Jhanjharpur,Distt.-Madhubani
11. The Panchayt Secretary,Kako,Block-Jhanjharpur,Distt.-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhubneshwar Prasad
For the Respondent/s : Mr.Prabhakar Jha- Gp27

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 30-05-2019

The present writ petition has been filed challenging the order dated 18.7.2018 passed by the State Appellate Authority, Patna in Appeal No. 261 of 2017, as also the order dated 12.10.2010 passed in Case No. 53 of 2005/2009.

2. The brief facts of the case as per the writ petitioner are that the petitioner is stated to have been selected to be employed as Siksha Mitra and her selection was sent for approval vide



letter dated 25.5.2005 before the District Magistrate, Madhubani whereafter, a letter dated 1.6.2005 was issued to the District Superintendent of Education to get the approval by the Block Education Officer, but the same could not be done. The petitioner had then filed a writ petition bearing CWJC No. 13006 of 2006 and a coordinate Bench of this Court by an order dated 23.7.2009 had disposed of the said writ petition with liberty to the petitioner to approach the concerned Tribunal for redressal of her grievances. The petitioner had then approached the District Appellate Authority, Madhubani, however, the case of the petitioner was rejected by the District Appellate Authority, Madhubani by an order dated 12.10.2010 in view of the fact that the Rules /Regulations / Resolutions / Orders pertaining to appointment of Siksha Mitra have been abolished upon coming into force of the Bihar Panchayat Elementary Teachers (Employment and Service Conditions), Rules 2006 and the period of appointment has also lapsed, hence, no relief could be given to the petitioner.

3. I have heard the learned counsel for the parties and perused the materials on record and I find that since the post of Siksha Mitra has been abolished, no further appointment can be made on the said post and the petitioner having never been



appointed on the post of Siksha Mitra, she cannot now set up her right to employment as Panchayat Siksha Mitra in view of coming into force of the Bihar Panchayat Elementary Teachers (Employment and Service conditions), Rules 2006 with effect from 1st of July, 2006 whereupon the cadre of Panchayat Siksha Mitra has been abolished, as also has been held by the learned Full Bench of this Court in its judgment rendered in L.P.A. No. 1569 of 2010 (*Kalpana Rani vs. The State of Bihar & Ors.*), as reported in *(2014) 2 PLJR 665*.

4. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present case, hence, the same is dismissed.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
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