

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19304 of 2010

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DEVANTI DEVI W/O Munna Pandit R/O Village- Narbana ,P.O.- Gopalpur,
P.S.- Maner Panchayat, Distt.- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, through the Commissioner-cum-Secretary, Human Resources Development, Bihar, Patna
2. The Director, Primary Education Govt. of Bihar, Patna
3. The District Magistrate, Patna
4. The District Superintendent of Education, Patna
5. The Block Education Officer, Maner, Patna
6. The Mukhiya Gram Panchayat, Bank Maner, Patna
7. The Panchayat Secretary Gram Panchayat Bank Maner, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Respondent/s : Mr.GP-19

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 07-01-2019

The present writ petition has been filed for directing the respondent authorities to reinstate the petitioner in the service of Panchayat Shikshak in Gram Panchayat Baank, P.S. Maner, District-Patna on the ground that the petitioner has already acquired intermediate degree and is eligible to be appointed.

The learned counsel for the petitioner has submitted that the petitioner was appointed as Panchayat Shiksha Mitra and she had also continued to work for the period 11.03.2003 to 10.01.2004 and from 15.06.2004 to 14.04.2005. However, she



has been removed thereafter and is not being allowed to work as Panchayat Shiksha Mitra on account of her not having obtained intermediate qualification within the prescribed period.

Per contra, the learned counsel for the respondents has submitted that the appointment of the petitioner was for a fixed period of 11 months i.e. from 11.03.2003 to 11.03.2004 as is apparent from the contract placed at Annexure-1 to the writ petition, hence, thereafter the petitioner has got no right to continue in employment as Shiksha Mitra. It is further submitted that the petitioner has failed to possess intermediate degree within the stipulated time as such her appointment is *void ab initio*. It is also submitted that the petitioner is said to have obtained *Up-Shashtri* degree in the year 2006, as stated in the writ petition, but there is no proof that any information was given to the concerned authority. Moreover, the writ petition has been filed belatedly, hence the same is not liable to be entertained. Lastly, the learned counsel for the respondents has referred to a full Bench judgment rendered by this Court in ***L.P.A. No. 1569 of 2010 (Kalpana Rani vs. the State of Bihar & ors.)*** as reported in ***2014(2) PLJR 665***, wherein it has been held that upon coming into force of Panchayat Elementary Teacher (Employment & Service Conditions) Rules, 2006 with



effect from 1st July, 2006, the cadre of Panchayat Shiksha Mitra has been abolished, hence no further appointment can be made on the said post and moreover, as far as the present case is concerned, the petitioner was never appointed at any time until 1st July, 2006, as such she cannot set up right to employment as Panchayat Shiksha Mitra or right to be absorbed as Panchayat Teacher.

I have heard the learned counsel for the parties and I have considered the materials on record as also the judgment rendered by the learned Full Bench of this Court in the case of Kalpana Rani (supra), and I find that neither the petitioner has been able to produce any order of re-appointment or extension of her service after 11.03.2004 nor any order of termination, which in any view of the matter, the petitioner cannot produce since she was never appointed on the aforesaid post on regular basis apart from her being appointed on contractual basis for 11 months i.e. w.e.f. 11.03.2003 to 11.03.2004, hence there is no merit in the present writ petition. Moreover, the present case is squarely covered by the judgment rendered by the learned Full Bench of this Court in the case of Kalpana Rani (supra), apart from the present writ petition being a belated attempt on the part of the petitioner.



For the reasons mentioned herein above, there is no merit in the present writ petition, hence the same is dismissed, however, without any order as to costs.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	N/A
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