

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21575 of 2019

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Nagesh Kumar, son of Late Shyam Sundar Prasad Singh, resident of Village-
Tajpur, P.S.- Mahkar, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar
2. The Director Primary Education
3. The District Education Officer Gaya
4. The District Superintendent of Education Gaya
5. The District Program Officer (Establishment) Gaya
6. The Block Education Officer Khijarsarai, Gaya
7. The Panchayat Secretary Gram Panchayat- Jamuawan, P.s.- Khijarsarai, Distt.- Gaya
8. The Head Master Primary School, Tajpur, Khijarsarai, Gaya
9. Renu Sinha w/o Munna Kumar Resident of Village- Fatehpur, P.s.- Khijarsarai, Distt.- Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s : Mr. Amit Bhushan AC to G.P.-17

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-01-2020 Heard the learned counsel for the parties.

This Court finds a strange plea in this writ
petition.

The petitioner was appointed as *Shiksha Mitra*
in the general category. However the petitioner, on
finding it to be difficult for him to work because of non-
payment of regular salary, abandoned the job. After



that, a decision was taken by the Government to combine the services of *Shiksha Mitra* and *Panchayat Teacher*. All the *Shiksha Mitras* appointed and serving on a date were made *Panchayat Teachers*. It is that this stage in the year 2015, one of the *Panchayat Teachers* resigned, causing a seat to be left vacant.

The petitioner has approached this Court in a writ jurisdiction for a direction to the respondents to appoint him against the said vacancy. What the petitioner has conveniently forgotten is that after abandoning the service, such kind of prayer could not have been made by him. Apart from this, the pleadings are absolutely unclear for any *mandamus* to be issued.

From the materials which have been brought on record, this Court was, in the first instance, inclined to dismiss the petition with cost but because of the persuasion of the counsel for the petitioner, who has now understood the matter, this Court refrain from passing any order imposing cost.



The writ petition stands dismissed

(Ashutosh Kumar, J)

Shageer/-

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