

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19289 of 2018

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Sheo Kumar Son of Ram Ekbal rai, Resident of Village-Dipau, P.S. Kotwa,
District East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate-Cum-Collector, East Champaran at Motihari.
3. The District Superintendent of Education Cum-Coordinator Sarva Shiksha Abhiyan, District East Champ
4. The Block Development Officer, Block Kotwa, District-East Champaran.
5. The Gram Panchayat Pokhrara, Block-Kptwa, District East Champaran.
6. That Mukhiya, Gram Panchayat Raj, Pokhara, Block-Kotwa, District East Champaran.
7. The Member, District Teachers Employment Appellate Tribunal, East Champaran, Motihari.
8. Bhagya Narayan Prasad Yadav Son of Late Bhuwaneshwar Rai, Resident of Village-Dipau, P.O. Talwa Pokhar, P.S. Kotwa, District East Champaran.
9. The Member, State Appellate Authority, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Adv.
For the Respondent/s : Mr. Subhash Chandra Mishra- Sc16

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 17-10-2022

1. Heard the parties.

2. The petitioner by way of this writ petition claims appointment on the post of Shiksha Mitra under the Shiksha Karmi Board under the scheme framed therein is not statutory in character. The Shiksha Karmi Board has not been held to be within meaning of Article 12 of the Constitution of India to be state or its authority as the same was found under a separate scheme. **In State of Uttar Pradesh & Anr. Vs. Anand Kumar Yadav & Ors.,as reported in 2018 (13) SCC 560** the Apex

Court examined the nature of appointment as Shiksha Karmi and reached to the conclusion that the same was an appointment on Honorarium and would not even come within the fore corner of State service. It further proceeded to hold that such Shiksha Karmi cannot be absorbed in regular cadre, However, in State of Bihar this aspect was not examined and the then Shiksha Mitra were taken over as Block Teacher in the Panchayat in the year 2006 with effect from 01.07.2006.

Be that as it may, the claim of the petitioner for appointment as Shiksha Mitra in the year 2005 viz-a-viz the respondents cannot be a subject matter to be examined in writ jurisdiction. The State Appellate Authority has also refused to examine the same, keeping in view as laid down in the case of Kalpana Rani Vs. State of Bihar & Others reported in 2014(2) PLJR Page 665.

3. In view thereto, no relief can be granted to the petitioner.

4. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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