

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2561 of 2022

Shakuntala Kumari Wife of Mahesh Prasad Resident of Village- Masurchak,
P.O.- Surungapur, Police Station- Jehanabad, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Superintendent of Education, Patna.
6. The Block Development Officer, Jehanabad.
7. The Block Education Officer, Jehanabad.
8. The Mukhiya Gram Panchayat Jamuk Police Station + District- Jehanabad.
9. The Panchayat Secretary, Gram Panchayat Jamuk Police Station + District- Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.
For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 09-03-2022 Both the counsels are present. Let the issues involved in the present petition stands finally adjudicated by this Court in C.W.J.C. No. 22598/2013 decided on 12.01.2015 wherein this Court held as under:-

“Learned counsel for the petitioners submits that by virtue of the rule brought in place by the State of Bihar relating to Panchayat Teachers all Shiksha Mitra, who were holding the post on 01.07.2006 by a deeming fiction became or were declared as Panchayat Teachers. The post of Panchayat Shiksha Mitra



was abolished. It is ironical that the petitioners are being removed from a post they do not hold any more and further even from the post which they were legally holding by virtue of the rule brought into effect in the year 2006. The relevant rule is Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2006.

The reason given by the Tribunal for removing the petitioners from the post of Panchayat Shiksha Mitra is violation of certain roster etc. and legality in the said selection. Even if it is accepted to be correct, it should have been undone when the petitioners were still holding the post of Panchayat Shiksha Mitra. After having become a Panchayat Teacher, they can only be removed for the reasons indicated in the 2006 Rules or the Amended Rules, 2008.

There was no occasion in view of the opinion expressed by this Court in a previous writ of Saroj Kumar & Ors. Vrs. The State of Bihar & Ors reported in 2013 (2) PLJR 897, for the Tribunal to remove these petitioners from the post of Panchayat Shiksha Mitra.

The Tribunal has obviously not applied its mind or at least mis-applied its mind oblivious as all the developments in law. The petitioners have succeeded and made out a case for interfering with the order impugned contained in Annexure-8.

Writ application is allowed. Annexure-8 is quashed.

Petitioners would be restored back to their post of Panchayat Teacher without further delay.”

In the present case, the authority has rejected the



claim of the petitioner on the similar basis.

In view of the aforesaid findings, the case of the petitioner is directed to be covered and adjudicated as above.

Accordingly, the petitioner would be entitled for the same benefit as above.

The writ petition stands allowed.

(Sanjeev Prakash Sharma, J)

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