

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.635 of 2023

Shakera Khatoon Wife of Quazi Gulam Murtoza and Daughter of Quazi Fazlur Rahman, Resident of Village- Sahzana Kaparanda, P.O.- Porela, Anchal and Pakhand- Azamnagar, District- Katihar. At present Working as Prakhand Teacher in upgraded Middle School Malikpur under Gram Panchayat , Under Prakhand and Anchal- Aajnagar, Distict- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director Primary Education, Govt. of Bihar, Patna.
4. The Deputy Secretary, Department of Education, Govt of Bihar, Patna.
5. The Regional Deputy Director of Education, Purnea.
6. The Zila Padadhikari, Katihar.
7. The District Eudcation Officer, Katihar.
8. The District Programme Officer (Establishment), Katihar.
9. The Block Development Officer, Azamnagar, District- Katihar.
10. The Block Education Officer, Aajnagar, District- Katihar.
11. The Mukhiya Cum Chairman, Niyajan Unit, Gram Panchayat Malikpurr Under, Azamnagar Prakhand, District- Katihar.
12. The Panchayat Secretary cum Member Secretary, Niyozan Unit Gram Panchayat Malikpur, Under Prakhand Azamnagar, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Adv.
For the Respondent/s : Smt. Binita Singh (SC 28)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 03-02-2023

Heard the parties through virtual mode.

1. The petitioner by way of this writ petition has
prayed as under :-

“1. That the present writ petition is being filed for the following reliefs -

(i) For issuance of appropriate writ/ order/ direction commanding the respondent authorities concerned to provide opportunity to petitioner to qualified in Assessment (Efficiency Test) for enabling promotion in graduate grade from basic grade of Panchayat teacher as per provisions of



Rule-5 under Bihar Panchayat Elementary School Service (Appointment, Promotion, Disciplinary proceeding and Service Condition), Rules 2020.

(ii) For issuance of appropriate writ/ order/ direction commanding the respondent authorities concerned to make payment of deference of salary occurred since from 1.04.2021 as per resolution no. 11/1-8/2013 2257 dated 29.08.2020 and memo no. 11/1-08/2013 1816 dated 12.11.2021 (Annexure-4 Series) to the petitioner as early as possible.

(iii) For any other relief/ reliefs in which the petitioner is entitled in the facts and circumstances of case.”

2. Admittedly, the petitioner is a Panchayat Teacher and would be amenable to jurisdiction under the District Appellate Authority. Keeping in view the law laid down by this Court in **C.W.J.C. No. 5489 of 2020 (Suresh Ram Vs. The State of Bihar & Ors.)** and connected matters reported in **2022 (2) B.L.J. 381, 2022 (2) P.L.J.R. 80** and the Judgment dated 07.03.2022, passed in **C.W.J.C. No. 34 of 2022 (Minakshi @ Sushre Minakshi & Anr. Vrs. The State of Bihar & Ors.)**, the writ petition is dismissed with liberty to file appeal before the concerned District Appellate Authority.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 30

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