

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6453 of 2015

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1. Md. Esrar Hussain, Son of Md. Rahini, resident of Village - Bagahi, Post Office- Banahi, P.S.Bihiya, District - Bhojpur, Bihar.
 2. Mohamad Taslim, Son of Muhamad Jabbar, resident of Village - Bagahi, Post Office- Banahi, P.S.Bihiya, District - Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Bhojpur, Ara.
5. The District Superintendent of Education, Bhojpur, Ara.
6. The District Education Officer, Bhojpur, Ara
7. The Block Development Officer, Block Chakrath, Bhojpur, Ara.
8. The Block Education Officer, Block Chakrath, Bhojpur, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate Mr. Nikhil Kumar Agrawal, Advocate
For the State	:	Mr. Vinay Kumar Mishra, AC to AAG 13

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 17-02-2023

Heard the parties.

2. The petitioners admittedly were disengaged after having worked for 11 months as a *Shiksha Mitra*. The qualification required for continuing as a *Shiksha Mitra* were enhanced to Intermediate which the petitioners did not possess and they were relieved. The petitioners have thereafter acquired



qualification of Inter pass in the year 2014 and claimed that they should be reengaged as *Shiksha Mitra* and deemed to be continuing from the date their services were dispensed with, as in the original terms of employment, there was no such condition of acquiring enhanced qualification. Learned counsel submits that in a similar case reported in **2010 (2) PLJR 241** titled as ***Indu Devi vs. State of Bihar***, this Court has allowed similarly situated persons to be deemed to be continued as on 01.07.2006 and also directed for reinstatement.

3. I have considered the submissions and find the facts of the aforesaid case ***Indu Devi (supra)*** as different from the present case. The said *Indu Devi* was appointed for 11 months on 07.03.2003. Her engagement was renewed on 25.03.2004 and then again on 06.05.2005 and again she was reengaged on 29.06.2007 and while she was holding the post of *Shiksha Mitra*, she enhanced her qualification of Intermediate on 20.09.2006 and the result was for the sessions 2003-05. In the said facts and circumstances, distinguishing an earlier judgment passed by this Court, relief was granted to her. The said judgment is in *personam* and would not have an application to all the cases where *Shiksha Mitra* appointments were cancelled or were removed on account of not having the requisite enhanced qualification of Intermediate.



4. The writ petition of the petitioner being on different facts is not similar. On merits, this Court finds that the petitioners acquired the qualification in the year 2014 and after 01.07.2006, the post of *Shiksha Mitra* itself was abolished and post of Block Teacher was brought into existence and new Rules were framed governing such teachers. In the circumstances, the petitioners have no case for retrospective appointment.

5. The writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

P. Kumar
Item No. 27

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

