

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.914 of 2018

In
Civil Writ Jurisdiction Case No.8448 of 2017

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Sanyukta Devi wife of Sri Vinay Kumar Mandal resident of Village-Navkadih, P.S.- Laxmipur, District- Jamui.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The District Education Officer, Jamui.
5. The Block Education Extension Officer, Jamui.
6. The Mukhiya, Maraiya Panchayat, Jamui.
7. The Panchayat Secretary, Maraiya Panchayat, Jamui.
8. The Head Master, Primary School, Hiramba, P.S.- Laxmipur, District- Jamui.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bhola Kumar, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-07-2023

1. The appellant is concerned with the judgment which was dismissed on the basis of a Full Bench judgment.

2. The learned Senior counsel appearing for the appellant specifically points out that the Full Bench decision was not at all applicable.

3. We have considered the facts as coming out from the writ petition. The appellant was appointed on contract as a Shiksha Mitra in a panchayat school on 05.05.2003. Even



according to the appellant, it was a contractual appointment for a period of 11 months. A leave application was submitted on 02.01.2004 which is produced as Annexure-2 in the writ petition. Based on which the Headmaster is said to have sanctioned the leave on 21.07.2004 produced as Annexure-3. In fact, by the time, Annexure-3 was passed, the contractual employment of the appellant had ceased.

4. We also see that the petitioner has in the writ petition specifically contended that her contractual service was entitled to be extended and that she should have been absorbed in the regular service of Government Teachers since she had an intermediate qualification. There is absolutely nothing produced not even a Government order enabling such continuation in contractual service or regularization.

5. Kalpana Rani Vs. State of Bihar & Ors., 2014

(2) PLJR 665 was a case in which the appellant raised a complaint with regard to anomalies in the selection and appointment of the writ petitioner to the post of Panchayat Shiksha Mitra in 14.09.2006. The writ petitioner was appointed in the year 2003 and having been continued in the said post was also regularized on 1st of July, 2006. As per the Panchayat Elementary Teacher (Employment And Service Conditions)



Rules, 2006, the executive instructions relating to engagement to the post of Panchayat Shiksha Mitra were abolished. The complaint itself was filed on 14.09.2006 when the Rules of 2006 came into force and before that, the writ petitioner’s appointment was never challenged. It was held that there was no right accrued under the repealed circular of Panchayat Shiksha Mitras much less any right on the complainant to be appointed in the place of the writ petitioner. It was categorically held that after 01.07.2006, no person who was earlier an aspirant for the post of Panchayat Shiksha Mitra, can be appointed only because his/her name figured in the list of ‘Panchayat Shiksha Mitra’. The decision of the Full Bench is squarely on the facts arising in the present case also.

6. We find no reason to entertain the appeal and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/Bibhash

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