

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.637 of 2023

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Lakshman Chaudhary, Son of Dashrath Chaudhary, Resident of Ward No-3, Kamatham under Gram Panchayat Uttar Marar, P.O. Rasaunk, Block and District-Khagaria, Bihar (0851205).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education Department, Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, - Khagaria.
4. The District-Education Officer-Cum-District Programme Officer, Khagaria.
5. The Block Education Officer, Khagaria, District-Khagaria.
6. The Panchayat Teacher Selection Committee, Under Gram Panchayat Uttar Marar, Khagaria, Block and District-Khagaria.
7. The Panchayat Secretary, Under Gram Panchayat Uttar Marar, Khagaria, Block and District-Khagaria.
8. The Headmaster, Priamry School, Kamatham, Ward No-3, Under Gram Panchayat Uttar Marar, Khagaria, Block and District-Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.
For the Respondent/s : Mr. Prabhakar Jha (GP 27)

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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 petitioners of this present case has filed this present writ application for the grant of following reliefs:-

I. For issuance of writ/writs, order/orders, direction/directions in the nature of Mandamus commanding the respondents particular the Respondent No. 4,5 and 8 to allow the petitioner for discharging his duties on the post of Panchayat Teacher at Primary School, Kamatham, Ward No. - 3, under Gram Panchayat Uttar Marar, P.O. Rasaunk, Block & District – Khagaria, because the petitioner was earlier appointed on the post of Panchayat Sikhsa Mitra on 30.01.2003 appointed by the Panchayat Selection Committee in view of the Government



Guidelines and accordingly the petitioner joined at Primary School, Balore on 01.02.2003 and thereafter the petitioner was discharging his duties regularly very well and time to time service of the petitioner was extended and in view of the Bihar Panchayat Audience Rules, 2006 and the (Sikshak Niyojan Seva Shart Niyamawali, 2006) dated 01.07.2006 in Kandika-20 (III) all the Shiksha Mitra were treated as Panchayat Teacher w.e.f. 01.07.2006 by which the petitioner is discharging his duties on the post of Panchayat Teacher.

II. For further prayed for seeking direction upon the Respondent No.-5 and 8 to accept the joining of the petitioner because in view of the Hon'ble High Court, Patna order dated- 20.09.2016 passed in CWJC No.- 15459/2014 (Ranjeet Pandit & Ors. Vs. The State of Bihar) in the aforesaid writ petition the grievances of the petitioners since the year 2006, many appointments have been made by the state as teachers, such as Senior Secondary Teachers, elementary teachers, Librarians and some other candidates were appointed, have submitted forged certificates by which the Hon'ble Court issued directions from time to time to the vigilance department to carry out investigations and accordingly in view of the aforesaid order several F.I.R. was registered in District level including Morkahi P.S. Case No.- 28/2021 dated- 06.03.2021 U/s-467/468/471/420 and 120(B) of the Indian Penal Code, 1860 by which the petitioner was also made an accused and accordingly the petitioner was granted bail in view of the Hon'ble Court's order dated- 19.05.2022 passed in Cr. Misc. No. 3220/2022 in which the Hon'ble Court has been pleased to grant liberty to the petitioner. However once charge is framed and trial commences the petitioner shall be released on bail by the learned Trial Court on its own satisfaction. Accordingly after framing of charges he was released from custody, thereafter the petitioner had



gone to the primary school, Kamatham and praying for acceptance of fresh joining of the petitioner but the Headmaster as well as the Block Education Officer, Khagaria refused to accept the joining of the petitioner therefore, the petitioner seeks relief direction upon the respondents to accept the joining of the petitioner.

III. Further prayed for seeking direction upon the respondents to pay the arrears of payment of salary of the petitioner w.e.f. 06.03.2021 till today.

IV. Further prayed for any relief/reliefs, order/orders, direction/directions, may deem fit and proper in the facts and circumstances of this 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. 31

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