

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19525 of 2016

Ghuran Tanti Son of Bhairav Tanti, Resident of village - Bardaha, P.S. Ghailarh, District - Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Department of Education, Government of Bihar
2. The District Magistrate, Madhepura
3. The District Programme officer, Madhepura
4. The Block Education officer Dhauladh Block, Madhepura
5. The Block Development officer, Dhauladh Block, Madhepura
6. The Mukhiya, Bardaha Panchayat Block - Dhauladh Block, Madhepura
7. The Panchayat Secretary, Bardaha Panchayat, Dhauladh, Madhepura
8. The Appointment Committee of Mukhiya's Cabinet of Bardaha Panchayat, Dhauladh Block, Madhepura

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Jitendra Kr. Roy No. 1- SC13
: Mr. Bijay Bhushan Prasad, AC to SC 13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-05-2024 1. Heard learned counsel for the parties concerned.

2. Through this writ application, the petitioner has challenged the order dated 17.08.2016, passed in Appeal Case no. 18 of 2015, by which the claim of the petitioner for appointment as Panchayat Shiksha Mitra/ Panchayat Teacher was rejected. He has further prayed for a direction to the respondent- authority to appoint him on the post of Panchayat Shiksha Mitra (in short “the P.S.M.”).

3. Learned counsel for the petitioner submits that the



petitioner had applied for appointment as P.S.M. in the year 2005. The Sukh Suvidha Samiti of Gram Panchayat Bardaha published a merit list on 15.05.2005, in which, petitioner's name figured at serial no. 1 under the E.B.C. (Male) category but no appointment letter was issued to him.

Aggrieved by the non-selection, the petitioner moved before the District Appellate Authority, Madhepura in Appeal Case no. 18 of 2015, which was dismissed vide impugned order dated 17.08.2016 holding that after coming into force of ***Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006 (in short "2006 Rules")***, post of P.S.M. stood abolished w.e.f. 01.07.2006 and no direction can be given for appointment on the said post.

4. I have heard learned counsel for the parties. After coming into force ***2006 Rules*** w.e.f. 01.07.2006, no person can be employed/ claim employment/ deemed employment as P.S.M./ Panchayat Teacher, retrospectively, as decided by Division Bench of this Court in the case of ***Smt. Renu Kumari Pandey & others v. The State of Bihar and others***, reported in ***2011 (4) PLJR 297 (DB)***. The Division Bench judgment has been affirmed by the Full Bench of this Court in the case of ***Kalpana Rani v. The State of Bihar and others***, reported



in **2014(2) PLJR 665**, wherein, in paragraph no. 118, it has been held as follows :-

“118. Having thus given my anxious consideration, I am of the view that after 1.7.2006, no person, who was earlier an aspirant for the post of Panchayat Shiksha Mitra, can be appointed only because his or her name figured in the panel of Panchayat Shiksha Mitra. The post of Panchayat Shiksha Mitra has been abolished with effect from 1.7.2006 and after abolition of the post, no one can be appointed on the post of Panchayat Teacher on the basis of his mere empanelment of Panchayat Shiksha Mitra. The view taken in the judgment of the Division Bench in the case of Smt. Renu Kumari Pandey (supra) is a good law. I will have no hesitation in holding that the earlier Division Bench judgment in the case of Kishori Prasad (supra), for the reasons indicated above, has not correctly decided the law and is, accordingly, overruled.”

5. In the present case, admittedly, the petitioner was not employed as Panchayat Shiksha Mitra as on 01.07.2006 i.e. at the time of conversion of Panchayat Shiksha Mitra as Panchayat Teacher, as such, the learned District Teachers



Appellate Authority has rightly held that no direction can be issued in favour of the petitioner for appointment as Panchayat Shiksha Mitra. Accordingly, the petitioner has no right to claim employment/ deemed employment as P.S.M. or has right to be absorbed in the services as Panchayat Teacher by operation of ***Rule 20(iii) of Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006.***

6. In the result, this application having no merit is dismissed.

(Anil Kumar Sinha, J)

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