

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8791 of 2021

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Bharti Sinha wife of Sri Dharmendra Kumar resident of Village- Mogalmi,
P.O.- Bakra Via Belchi, District- Nalanda, presently posted as Panchayat
Teacher at Primary School, Sheikhpura, Chandi, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Education Officer, Nalanda at Biharsharif.
3. The District Programme Officer (Establishment), Nalanda at Biharsharif.
4. The Block Education Officer, Chandi, District- Nalanda.
5. The Panchayat Secretary, Gram Panchayat Raj, Belchi, Block- Chandi,
District- Nalanda.
6. The Mukhiya, Gram Panchayat Raj, Belchi, Block- Chandi, District-
Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Adv.
For the Respondent/s : Mr.Madhukar Mishra, AC to SC 16

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The matter relates to the employment of Panchayat
teachers in Gram Panchayat-Narsanda under Chandi Block in
Nalanda District, in the second phase of Panchayat Teachers
Employment, 2008, under Bihar Panchayat Elementary
Teachers' (Employment and Service Conditions) Rules, 2006 as
amended in the year, 2008. The petitioner was an applicant for
the said employment. The process of second phase of
employment was completed and closed on 30.12.2010 but the



employment letter was not issued to the petitioner. Aggrieved by non-issuance of employment letter, the petitioner along with two others filed Appeal No.09 of 2016 before the District Authority, praying for direction to the Panchayat Employment Unit, Narsanda to issue employment letter to them.

3. The District Authority, vide impugned order dated 24.02.2016, directed the Panchayat Employment Unit, Narsanda to take a decision regarding the employment of appellants of Appeal No.09 of 2016, in accordance with rules. Under the direction of the Authorities, the appointment letter was issued to the petitioner.

4. Against this order, Authorities moved before the State Appellate Authority. Considering the argument of the parties and after perusal of the record, the State Appellate Authority passed the order that District Authorities shall not consider the order contained in letter no.465 dated 09.07.2012 issued by the Principal Secretary, Education Department, whereby it had clearly been directed that the unfilled vacancies of the previous phase of employment shall be merged with the subsequent vacancies to be filled up under Employment Rules, 2012. The third phase of employment was under Employment Rules, 2012 and it stood completed. Therefore, there is no question of any



vacancies of second phase surviving in the year 2016. Thus, the State Appellate Authority gave finding that the learned District Authority has erred in relying on the statement of respondent Panchayat Secretary, Narsanda and held that unfilled vacancies of second phase were still surviving in the year 2016.

5. Considering the aforesaid facts and finding given by the State Appellate Authority, I do not find any illegality in the order passed by the State Appellate Authority.

6. Accordingly, this writ application is dismissed.

(Anjani Kumar Sharan, J)

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