

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17651 of 2015

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Suman Devi Wife of Sri Prabin Kumar Singh, Resident of Village - Shivam,
P.O. - Dhanej, P.S. - Kargahar, District - Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Primary and Adult Education Department, Govt. of Bihar, Patna.
3. The District Education Superintendent, Rohtas, at Sasaram. At P.O. - Sasaram, District - Rohtas.
4. The Block Education Officer, Kargahar Block, At P.O. - Kargahar, District - Rohtas.
5. The Mukhiya, Gram Panchayat - Shivam, P.O. - Dhanej, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Birju Prasad, GP13 Ms. Shweta Anand, A.C. to G.P.13 Mr. Akshay Lal Prasad, A.C. to G.P.13
For the Intervener	:	Ms. Pushpa Kumari, Advocate Ms. Isha Ranjan Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 09-02-2024
1. No one appears for the petitioner.
 2. Learned counsel for the State-respondent and learned counsel for the intervener are present.
 3. The petitioner has filed the instant application for the following relief(s):

“That this application is directed for issuance of a writ and/or writs in the nature of Certiorari and Mandamus or any appropriate Writ/Writs, quashing the Resolution dated 11.12.2005, passed by Education Committee of Shivam Panchayat, in its meeting presided over by the then Mukhiya of the Panchayat as contained in



Annexure- 6, whereby the appointment of the petitioner on the post of "Shiksha Mitra" of Shivam Gram Panchayat for Middle School at Shivam was cancelled and directing the respondent-authorities to allow the petitioner to work on the aforesaid post in accordance with law."

4. The Full Bench of this Court in the case of Kalpana Rani vs. The State of Bihar [2014(2) PLJR 665] held as follows:

"106. A question, therefore, would arise as to whether in term of the repeal of the executive instruction of Panchayat Shiksha Mitra in terms of Rule 20(i) of 2006 Rules, could any dispute be adjudicated for appointment on the post of Panchayat Shiksha Mitra? The answer to this must be in negative, inasmuch as, if the entire provision for Panchayat Shiksha Mitra was itself repealed, there could not have been any appointment on the abolished post of Panchayat Shiksha Mitra. It is this aspect of the matter which has been dealt elaborately in the earlier Division Bench judgment in the case of Smt. Renu Kumari Pandey (supra) and I do not find any error in the same."

5. In view of the judgment of the Full Bench as quoted herein above, the Court finds no merit in this writ application and the same is dismissed.

(Partha Sarthy, J)

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