

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18020 of 2015

1. Malti Kumari wife of Mahesh Kumar Resident of village - Bhawanipur, P.O. and P.S. Jagdishpur, District - Bhagalpur.
2. Om Prakash son of Bhola Prasad Sah Resident of village - Bhawanipur, P.O. and P.S. Jagdishpur, District - Bhagalpur.
3. Sameer Kumar Sharma son of Sri Jaldhar Prasad Sharma Resident of Vade Hasanpur, P.O. and P.S. Jagdishpur, District - Bhagalpur.
4. Animesh Kumar Rajak son of Sri Hira Lal Rajak Resident of village - Bhawanipur, P.O. and P.S. Jagdishpur, District - Bhagalpur.
5. Shashi Sekhar Prasad Singh son of Jay Prakash Singh Resident of village - Vade Shaidpur, P.O. Singhanan, P.S. Singhawan, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education Department, Government of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Panchayat Raj Officer, Bhagalpur.
6. The District Education Officer, Bhagalpur.
7. The District Programming Officer Establishment, Bhagalpur.
8. The Block Development Officer, Jagdishpur, District - Bhagalpur.
9. The Block Education Officer, Jagdishpur, District - Bhagalpur.
10. The Gram Sachiv, Bhawanipur Deshri Panchayat, Block - Jagdishpur, District - Bhagalpur.
11. The Mukhiya Bhawanipur Deshri Panchayat, Block - Jagdishpur, District - Bhagalpur.
12. The Deputy Mukhiya, Bhawanipur Deshri Panchayat, Block - Jagdishpur, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Md. Harun Quareshi, Advocate
For the Respondent/s : Mr. A.K. Upadhyay- SC20

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-02-2024

1. Heard learned counsel for the petitioners and
counsel for the respondents.



2. The petitioners have filed the instant application for the following relief/s:-

“I. For issuance of a writ of mandamus or any other appropriate writ, order or direction commanding the respondent to give appointment to the petitioners on the post of Panchayat Teacher of Bhawanipur Deshri Panchayat as the person having lesser marks than the petitioners were given appointment on the post of Shiksha Mitra and subsequently absorb on the post of Panchayat Teacher.

II For the issuance of an appropriate writ, order or direction commanding the respondents for grant of any other relief or reliefs to which the petitioners may be deemed entitled by this Hon’ble Court.”

3. The case of the petitioners in brief is that persons having lesser marks than the petitioners was appointment as Shiksha Mitra in the year 2003 and subsequently became Panchayat Teachers.

4. In the opinion of the Court, in view of the decision of the Full Bench of this Court in the case of Kalpana Rani vs. State of Bihar [2014 (2) PLJR 665] and more particularly paragraph no. 106 thereof, with the coming of the Bihar Panchayat Elementary Teacher (Employee and Service Conditions), Rules 2006, the provision for Panchyat Siksha Mitra having been repealed, no persons can be appointed as a



Panchyat Shiksha Mitra and thereafter with effect from 1.7.2006
as Panchyat Teacher.

5. In view of the above, the Court finds no merit in
the instant writ application and the same is dismissed.

(Partha Sarthy, J)

Harsh/-

U			
---	--	--	--

