

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19058 of 2015

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Bhola Kumar Mahto son of Arjun Mahto, resident of Village- More, P.S. Mokama, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department, Primary Education, Govt. of Bihar, Patna, Bailey Road, Patna.
3. The Director, Primary and Secondary Education Education, Govt. of Bihar, Patna New Secretariat, Pat
4. The District Education Officer-cum-District Programme Officer Establishment, Patna Dist- Patna.
5. The Block Education Extension Officer, Mokama, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bauye Jee Jha B.J. Jha
For the State : Mr. Manoj Kumar Sinha, AC to GA 9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-03-2024 The petitioner has filed the present writ application for his reinstatement on the post of Panchayat Teacher inasmuch as the petitioner was removed from the post of Shiksha Mitra in the light of letter issued by the District Superintendent of Education, Patna, vide Memo No. 1498, dated 29.04.2005, on the ground that the contract of the matriculate Panchayat Shiksha Mitra should not be extended for further eleven months.

2. I have heard learned counsel for the petitioner and State.

3. Since the post of Panchayat Shiksha Mitra stood abolished on 01.07.2006 after coming into force of the Bihar



Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006, no person can be employed, claim employment/deemed employment as Panchayat Shiksha Mitra / Panchayat Teacher retrospectively, as held by a Division Bench of this Court, in the case of **Smt. Renu Kumari Pandey and Others v. The State of Bihar and Others**, reported in **2011 (4) PLJR 297 (DB)**.

4. The aforesaid Division Bench decision has been affirmed by Full Bench of this Court, in the case of **Kalpana Rani v. The State of Bihar and Others**, reported in **2014 (2) PLJR 665 (FB)**, whereby it has been held in paragraph no. 118 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 working as Panchayat Shiksha Mitra as on 01.07.2006 i.e. at the time of conversion of Panchayat Shiksha Mitra as Panchayat Teacher. Accordingly, the petitioner has no right to claim employment/deemed employment as Panchayat Shiksha Mitra or has right to be absorbed in service as Panchayat Teacher by operation of Rule 20 (iii) of the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006.

6. In the result, this writ application, devoid of any merit, is dismissed

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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