

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10790 of 2016

Amrendra Kumar Singh Son of Sri Hari Kishore Prasad singh Resident of
Village- Kunahara Tari , Gram Panchayat- Harhar, P.S. and Block- Katoriya,
District- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Teachers Employment Appellate Tribunal, Banka
3. The District Magistrate, Banka
4. The Superintendent of Education, Banka
5. The Block Education Extension officer, Katoriya, District-Bank
6. The BlockDevelopment officer, Katoriya, District- Banka
7. The Mukhiya, Harhar Gram Panchyat, P.O. P.S. block- Katoriya, District-
Banka
8. The Panchayat Secretary , Harhar Gram Panchayat, P.O. P.S. Block-
Katoriya,District- Banka
9. The Headmaster, Primary School, Tindoma, Gram Panchayat Harhar, P.O.
P.S. Block- Katoriya, Distri

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Janki Nandan Prasad
For the Respondent/s : Mr.Madhukar Krishna Sinha- Sc1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 25-04-2024 1. The petitioner has challenged the order, dated 18.05.2015,
passed by the District Appellate Authority, Banka, in
Appeal Case No. 23 of 2012, by which the claim of the
petitioner for payment of salary for the period 10.03.2003
till December, 2007, on the post of Panchayat Shiksha
Mitra/Panchayat Teacher, has been rejected.



2. Learned Counsel for the petitioner argues that the petitioner was appointed as Panchayat Shiksha Mitra on 09.03.2003 and he joined the Primary School, Tindoma, on 10.03.2003. The Headmaster of the said school recommended the name of the petitioner for extension of his tenure as Panchayat Shiksha Mitra, vide letter, dated 28.02.2005. The petitioner was not paid remuneration for the period he worked, for which he filed a representation before the higher authorities, but no action was taken.
3. The petitioner approached this Court, in CWJC No. 6101 of 2008, which was disposed, vide order, dated 26.07.2011, with liberty to the petitioner to prefer an appeal before the appellate authority for grant of salary.
4. The District Appellate Authority rejected the appeal preferred by the petitioner without considering the case of the petitioner.
5. The petitioner attended the school regularly and made his attendance from 10.03.2003 till December, 2007. The employment register, produced by the Panchayat Secretary before the District Appellate Authority is forged and fabricated and was submitted only to deny the claim of the petitioner and to cover the irregularities committed



by the Panchayat Secretary.

6. On the other hand, learned Counsel for the State submits that the appointment of the petitioner as Panchayat Shiksha Mitra is not valid as the letter by which he claims appointment was issued by the Mukhiya without any authority on his personal letter pad and not by the Sukh Suvidha Committee, which was the competent body for making appointment and issue appointment letter for the post of Panchayat Shiksha Mitra.
7. I have heard learned Counsel for the parties concerned and have gone through the impugned order, passed by the District Appellate Authority, Banka.
8. The District Appellate Authority has arrived at the conclusion that from the records filed by the Secretary of the Employment Unit regarding the employment of Panchayat Shiksha Mitras in the year 2003, the petitioner was also an applicant under the unreserved category. The name of the petitioner figured at serial no. 13 in the merit list, having 45.88 marks. The Sukh Suvidha Committee, in its meeting, dated 21.02.2003, selected eight Panchayat Shiksha Mitras for appointment on the basis of merit list. Since the petitioner was below in the merit list under the



unreserved category, he was not selected as Panchayat Shiksha Mitra.

9. The petitioner claims his appointment on the basis of letter no. 65, dated 09.03.2013, issued by the then Mukhiya, Gajendra Prasad Singh on his personal letter pad.
10. As per the rules prevalent at the relevant point of time for appointment on the post of Panchayat Shiksha Mitra, it was the Sukh Suvidha Committee, which was authorized for selection of the Panchayat Shiksha Mitras. Issuance of appointment letter by the Mukhiya on his personal letter pad is violative of the departmental resolution for appointment, bearing no. 1079, dated 20.06.2002 and Rule 13 envisages that in case of violation of the provisions mentioned in the resolution, the State Government will not be obliged to give remuneration to the Panchayat Shiksha Mitra.
11. In the backdrop of the aforesaid facts and the fact that the petitioner was not appointed by the competent body, his claim for grant of remuneration for the period 10.03.2003 to December, 2007, is not valid.
12. Accordingly, I find no merit in this writ application.



13.This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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