

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9566 of 2016

Shivnath Manjhi, son of Durga Manjhi, Resident of Village- Magaidih, Police Station- Mufassil Chapra, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, District Chapra Saran Bihar.
3. The District Superintendent of Education, District Chapra Saran Bihar.
4. District Programme Officer Chapra Saran.
5. The Block Development Officer Chapra Saran Bihar.
6. The Panchayat Sewak, Gram Panchayat Karinga, Chapra, Saran Bihar.
7. The Mukhiya of Gram Panchayat Karinga, Chapra Saran Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shrinath

For the Respondent/s : Mr. Kumar Mangalam, AC to SC 24 Sc23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 25-04-2024 1. The petitioner has filed the present writ application for a direction to the respondent authorities to allow the petitioner to discharge his duties as Panchayat Teacher in Primary School, Bin Toli, in Gram Panchayati Raj Karinga, in the district of Saran. It has further been prayed for a direction to the respondent authorities to pay honorarium to the petitioner for the work done by him on the post of Panchayat Shiksha Mitra between the period 08.04.2003 and 21.04.2004.
2. The brief facts of the case is that the petitioner was



appointed as Panchayat Shiksha Mitra in the Primary School, Bin Toli, on 08.04.2003 and worked till 06.07.2004. The Headmaster of the said school recommended the name of the petitioner for renewal of his contract as Panchayat Shiksha Mitra.

3. Learned Counsel for the petitioner submits that the petitioner, after renewal of his contract, worked as Panchayat Shiksha Mitra and one fine day, he was stopped from working and was restrained to put his signature in the attendance register. When the petitioner made a complaint before the Mukhiya, nothing was done and the petitioner was prevented from discharging his duties as Panchayat Shiksha Mitra. The petitioner filed a representation before the District Magistrate, Saran, raising his grievance that he was illegally removed as Panchayat Shiksha Mitra by the Mukhiya, but no action was taken.
4. Per contra, learned Counsel for the State submits that the petitioner has not brought any relevant document on record, i.e. attendance register, appointment letter etc. to show that the petitioner was appointed as Panchayat Shiksha Mitra in Primary School, Bin Toli, and he



discharged his duties in the said school as Panchayat Shiksha Mitra for the period between 08.04.2003 to 21.04.2004. As such, the claim of the petitioner for payment of honorarium is not bona fide.

5. So far as the claim of the petitioner for allowing him to work as Panchayat Teacher, learned Counsel submits that after coming into force the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006 (in short, 'the 2006 Rules'), the post of Panchayat Shiksha Mitra has been abolished with effect from 01.07.2006. Since the petitioner was not working on 01.07.2006 as Panchayat Shiksha Mitra, he cannot be considered for his absorption as Panchayat Teacher.
6. I have heard learned counsel for the parties concerned and have gone through the materials available on record.
7. Upon going through the materials available on the record, it appears that the petitioner has not brought on record any material to substantiate his claim, allowing him to work as Panchayat Teacher and to pay honorarium for the period 08.4.2003 to 21.04.2004. As on 01.07.2006, the petitioner was not working as Panchayat Shiksha Mitra.
8. Since the post of Panchayat Shiksha Mitra stood



abolished on 01.07.2006 after coming into force of the 2006 Rules, 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)**.

9. The aforesaid Division Bench decision has been affirmed by the 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)**.

10. The petitioner also failed to bring on record any relevant document to show that he has actually worked for the period 08.04.2003 to 21.04.2004.

11. In view of the above, in my opinion, the petitioner is not entitled to the reliefs prayed for in the present writ application.

12. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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