

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6302 of 2017

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Satyendra Kumar Son of late Bhedo Chauhan resident of village - Sira, PO - Shewtar, PS - Atri, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Program Officer Establishment, Gaya.
5. The Block Education Officer, Mohda Block, Gaya.
6. The Panchayat Sachiv, Gram Panchayat Raj Arae, Atri, Gaya.
7. The Mukhiya, Gram Panchayat Raj, Area, Atri, Gaya.
8. Binay Kumar son of not known resident of village - Sira, PS - Atri, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Respondent/s : Mr. Madanjeet Singh -GP20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-06-2024 Heard the parties.

2. The present writ application has been filed for a direction to the Respondents particularly, the Respondent No.5, the Block Education Extension Officer, Atri to inquire into the selection made on the post of *Shiksha Mitra* in the year 2003 at the Arae Gram Panchayat Raj, Atri Block.

3. Learned counsel for the petitioner submits that the petitioner obtained higher marks than Respondent No.8 in the selection process started in the year 2002 for appointment on the post of *Shiksha Mitra*.



4. The selection process was completed in the year 2003 but the writ application has been filed in 2017 after lapse of 14 years for inquiring into the selection made in the year 2002-2003. The writ petition is hit by the doctrine of delay and laches. Moreover, the post of *Shiksha Mitra* was converted into the *Panchayat Shikshak* after coming into force the Bihar Panchayat Elementary Teachers (Appointment and Service Conditions) Rule, 2006 (for future reference 'the Rule, 2006').

5. I have heard learned counsel for the petitioner and State. Since the post of *Shiksha Mitra* stood abolished on 01.07.2006 after coming into force of 'the 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 judgment passed in the case of ***Smt. Renu Kumari Pandey & Ors. v. The State of Bihar & Ors.*** reported in **2011 (4) PLJR 297 (DB)**. The aforesaid Division Bench judgment has been affirmed by Full Bench of this Court in the case of ***Kalpana Rani v. The State of Bihar & Ors.*** 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.”

6. Since the post of *Shiksha Mitra* stood abolished as per Rule 20(iii) of the ‘Rules, 2006’ no interference is required by this in the present case.

7. In the result, this writ application having no merit is dismissed.

(Anil Kumar Sinha, J)

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