

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13794 of 2023

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- 1 . Md Nurul Hoda Sonh of Shahubuddin Ansari, Resident of Ward No.- 9 Dhela Bag Darihat, P.S.- Harihar, District- Rohtas (Bihar).
 2. Harendra Kumar S/o Chandradeo Prasad, Resident of Village- Chilbila, P.S.- Harihar, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Director Primary Education Department, Govt. of Bihar, Patna.
2. The District Magistrate, Rohtas.
- 3 . The District Education Officer, Rohtas.
4. The District Program Officer (Establishment), Rohtas.
- 5 . The Block Development Officer, Dihari-on-Son Dist- Rohtas.
6. The Block Education Officer, Dihari-on-Son Dist- Rohtas.
7. The Panchayat Secretary, Panchayat Employment Unit Village Panchayat Majhiao, Block Dihari-on-son District- Rohtas.
- 8 . The Ramchandra Prasad S/o Bhikari Sah, Resident of Vill- Aparkota, P.O- Darihat, P.S.- Darihat, Dist- Dihari (Rohtas).
9. Om Prakesh Chaudhary S/o Doma Chaudhary, Resident of Vill- Majhiaawa,, P.O- Darihat, P.S.- Darihat, Dist- Dihari (Rohtas).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Advocate
For the Respondent/s : Mr. Jitendra Kumar Roy 1 (Sc 13)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-12-2024 Heard learned counsel for the parties.

2. This writ petition has been filed for appointment of the petitioner on the post of Panchayat Shiksha Mitra in any Primary School under Majhiao Gram Panchayat, Block Dihari-on-Sone on the basis of merit list and respondent No. 7 and 8 were appointed who below in rank .



3 . Learned counsel for the petitioner submits that petitioners were applicant for the post of Panchayat Shiksha Mitra . It is the case of the petitioners that ignoring the claims of the petitioners, respondent Nos. 8 and 9 were appointed as Panchayat Shiksha Mitra who were having lesser marks and lower in merit list.

4. On the other hand, learned counsel for the State by referring counter affidavit filed on behalf respondent No. 4 submits that the petitioners were applicant for engagement of Panchayat Shiksha Mitra in the year 2005 but they were not employed by the Panchayat Employment Unit Majhiao . It is further stated that scheme of Panchayat Shiksha Mitra having been abandoned/abolished wef., 01.07.2006, there is no occasion now to consider the dispute raised by the petitioners for employment against abolished post i. e., Panchayat Shiksha Mitra .The said matter has already been decided by the Full Bench of this Hon'ble Court in case of ***Kalpana Rani Vs.the State of Bihar and others***, reported in ***2014 (2)PLJR-665*** that once the scheme of employment on Panchayat Shiksha Mitra was abolished wef 01.07.2006 and any persons can absorb as Pnachayat Shyiksha Mira then the said matter cannot be reopened after enforcement of Bihar Panchayat Teacher



(Employment and Service condition) Rule – 2006 and the instruction relating to engagement on the post of Panchayat Shiksha Mitra was repealed and hence the petitioners are not entitled for engagement against the post of Panchayat Shiksha Mitra and as such this writ petition has got no merit and is fit to be dismissed.

5 . Considering the rival submissions of the parties, and material available on record, I do not find any merit in this writ petition , it is dismissed accordingly .

(Prabhat Kumar Singh, J)

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