IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19356 of 2014

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Anita Kumari Wife of Raj Kumar Prasad and daughter of Sukhdeo Prasad Resident of Village- Nandpur, P.S.- Motihari Muffasil, District- East Champaran.

... ... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Govt. of Bihar, Department of Human Resources, Bihar, Patna
2. The Principal Secretary, Govt. of Bihar, Department of Human Resources, Bihar, Patna.
3. The District Education Employment Appellate Authority, East Champaran, Motihari.
4. The Collector of District East Champaran, Motihari.
5. The District Panchayat Raj Officer, East Champaran at Motihari.
6. The District Education Officer, East Champaran, Motihari.
7. The Block Development Officer, Motihari.
8. The Block Education Extension Officer, Motihari.
9. Mukhiya, Uttari Dhekahan Panchayat, East Champaran, Motihari.
10. Panchayat Secretary, Uttari Dhekahan Panchayat, East Champaran, Motihari.
11. Saroj Sinha Wife of Motilal Prasad Resident of Village- Nandpur, P.S.- Motihari Muffasil, District- East Champaran, Motihari

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Umesh Tiwari, Advocate
For the Respondent/state	:	Mr. Manoj Kumar Sinha, Advocate
For the Respondent No. 11	:	Mr. Arun Kumar, Advocate
		Mr. Rakesh Ambastha, Advocate
For the Respondent 10	:	Mr. Rajeev Kumar Sinha, Advocate
		Mr. Dinesh Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 22-04-2024

1. The present writ application has been filed for quashing the order dated 19.05.2014 passed by District Appellate Authority, East Champaran, Motihari by which the

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Appeal of the petitioner has been dismissed as time barred.

2. The facts of the present case pertains to the appointment of Panchayat Shiksha Mitra (for brevity 'P.S.M.") held in the year 2005 in which the petitioner along with other candidates had applied.

3. Learned counsel for the petitioner submits that despite having higher weightage marks in the merit list for selection, the petitioner was not considered for appointment as P.S.M. and the respondent no. 11 namely, Saroj Sinha was appointed.

4. The petitioner filed representation before the District Magistrate, East Champaran highlighting the irregularity in the appointment process and in pursuance thereof the District Panchayat Raj Officer, East Champaran at Motihari *vide* his letter dated 14.01.2006 communicated to the concerned employment unit stating that the District Magistrate, East Champaran has directed to stop the honorarium of the selected P.S.Ms. of Uttari Dhekahan Panchayat, East Champaran, Motihari and to hold fresh selection process of P.S.M. When nothing was done, the petitioner moved before this Court in C.W.J.C. No. 5800 of 2007 which was disposed *vide* order dated 27.10.2010 with liberty to the petitioner to approach the District Appellate Authority. According to the petitioner the District

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Appellate Authority dismissed the appeal holding it as time barred *vide* Annexure-5.

5. Learned counsel for the State submits that after coming into force of the Bihar Panchayat Primary Teachers (Appointment and Service Conditions) Rules, 2006; all Panchayat Shiksha Mitras have been converted into Panchayat Teacher and the post of P.S.M. stood abolished with effect from 01.07.2006.

6. I have heard learned counsel for the petitioner as well as State. This Court in C.W.J.C. No. 5800 of 2007 has already denied the claim of the petitioner for appointment saying that the petitioner cannot be appointed on the post of Shiksha Mitra after abolition of the said post with effect from 01.07.2006, however, granted liberty to the petitioner to approach the District Appellate Authority for assailing the selection and appointment of the respondent no. 11.

7. From perusal of the impugned order at Annexure – 5 it appears that the same is in a letter form, having no appeal number and other details. It further appears that even at all any appeal was filed, the same was after nine years from the date of selection and after four years of disposal of the writ petition by this Court on 27.10.2010. Admittedly, the petitioner was not

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appointed as Panchayat Shiksha Mitra on 01.07.2006 i.e. at the time of conversion of Panchayat Shiksha Mitra as Panchayat Teacher. The services of the respondent no. 11 was absorbed as Panchayat Shiksha Mitra / Panchayat Teacher.

8. 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.

9. Despite opportunity having been given to the petitioner by this Court *vide* order dated 28.11.2023 to bring on record the relevant papers giving the date of filing of the appeal / petition by the petitioner before the appellate authority and other documents in support of the appeal before the appellate authority, no documents viz. Memo of Appeal, affidavits and other materials filed before the District Appellate Authority has been brought on record by the petitioner. The Case No. registered before the District Appellate Authority has also not been produced by both the parties.

10. Considering the above and the fact that the respondent no. 11 is working for a very long period and the petitioner admittedly cannot be appointed as Shiksha Mitra or

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Panchayat Shikshak, as such, I am of the view the impugned letter dated 19.05.2014 does not require any interference by this Court.

11. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

praful/-AFR

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	29-04-2024
Transmission Date	NA

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