

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18363 of 2016

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Rashmi Choudhary D/o Bakhori Choudhary, W/o Upendra Kumar Choudhary, R/o Vill. and Post- Bedauliya, Via- Jandaha, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, District- Vaishali at Hajipur.
5. The District Superintendent of Education, District- Vaishali, at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Respondent/s : Mr. Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 9 10-05-2024 1. Heard learned counsel for the parties concerned.
2. The petitioner, who was Lok Shikshak, has filed the present writ application, praying therein to absorb her service on the post of Panchayat Teacher.
3. The brief facts of the case is that the petitioner was appointed as Lok Shikshak for 12 months on contractual basis in the year 2002 at par with Shiksha Mitra.
4. Learned Counsel for the petitioner submits that Shiksha Mitra has been absorbed as Panchayat Teacher after coming into force the Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2006 (hereinafter referred to as "the Rule, 2006"), but the



petitioner has not been considered for absorption/regularization.

5. A co-ordinate Bench of this Court, vide order, dated 21.03.2012, passed in C.W.J.C. No. 14493 of 2008 (filed by the similarly situated persons), disposed the writ application with liberty to the writ petitioners to file representation before the Principal Secretary, Human Resources Development Department, for consideration of their claim for absorption at par with Shiksha Mitra.
6. Pursuant thereto, the Principal Secretary, Education Department, after detailed discussion, vide memo dated 31.08.2015, decided that the Lok Shikshaks are not entitled to be absorbed as Panchayat Teacher and rejected the claim of the writ petitioners.
7. After rejection of the claim of the writ petitioners for their absorption at par with Shiksha Mitra vide order, passed by the Principal Secretary, Education Department, the writ petitioners again approached this Court by filing CWJC No. 1109 of 2017, challenging the order, issued under the memo, dated 31.08.2015.
8. The learned Single Judge disposed the writ application, vide order, dated 30.11.2017, as learned Counsel for the



petitioners conceded, to the extent that direction for regularization, after the decision of the Supreme Court, in the Case of Secretary, State of Karnataka and Others v. Umadevi and Others, reported in (2006) 4 SCC 1, that their regularization is impermissible.

9. Learned Counsel for the State submits that Rules have been amended from time to time and now Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2023 for appointment of Teachers have been framed and as per the 2023 Rules, the appointment of teachers shall be made on regular basis through open competitive examination held by Bihar Public Service Commission.

10. In view of the rival submissions made by the parties and the fact that now Bihar Panchayat Elementary Teachers (Employment and Service Conditions) Rule, 2023 has come into force for appointment of teachers on regular basis, no relief can be granted to the petitioner.

11. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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