

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7763 of 2017

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Sheo Shanker Prasad Son of Shree Mahendra Das, Resident of Village- Aale,
Panchayat- Khajuri, P.S.- Madhubani, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Department of Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Presiding Officer, District- Appellate- Authority, Madhubani.
5. The Block Development Officer, Block- Madhubani, District- Madhubani.
6. District Education Officer, Madhubani.
7. The Block Education Officer, Rahika, District- Madhubani.
8. The Mukhiya, Panchayat Raj, Khajuri, Block- Rahika, District- Madhubani.
9. The Panchayat Secretary, Panchayat Raj Khajuri, Block Rahika, District- Madhubani.
10. Kamla Kant Mandal, Son of Pramod Mandal, resident of Village- Khajuri, P.S.- Rikka District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv
For the Respondent/s : Mr. Subhash Chandra Mishra- Sc16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2024 Heard the parties.

2. The present writ application has been filed for quashing the order dated 23.03.2017 passed by District Appellate Authority (For Selection And Appointment Of Teachers) Madhubani whereby application of the petitioner seeking his selection and appointment on the post of Panchayat Siksha Mitra, at Panchayat, Khajuri, Block-Rahika, Madhubani has been rejected.



3. Learned counsel for the petitioner submits that the petitioner obtained higher marks than Respondent No. 10 in the selection process started in the year 2003 for appointment on the post of *Shiksha Mitra*.

4. 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 Court in the present case.

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

(Anil Kumar Sinha, J)

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