

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7693 of 2017

Abha Kumari Singh Wife of Ram Bhajan Singh Resident of Village- Chaita ,
Post Chaita, Police Station- Pakaridayal, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director , Primary Education, Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Education Officer, East Champaran.
5. The Block Development Officer, Pakaridayal Block, East Champaran.
6. The Panchayat Secretary, Gram Panchayat Raj Chaita, Pakaridayal Block, East Champaran.
7. The Mukhiya , Gram Panchayat Raj Chaita, Pakaridayal Block, East Champaran.
8. Anita Kumari Wife of Birendra Kumar Singh Resident of Village- Chaita ,
Post Chaita, Police Station- Pakaridayal, District- East Champaran. at
Present working at Upgraded Middle School Kanya, Chaita, Pakaridayal.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Respondent/s : Mr.Smt.Shilpa Singh-Ga12

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 24-06-2024 Heard the parties.

2. The present writ application has been filed for quashing the appointment of Respondent No. 8 who had much less marks than the petitioner and further directing the Respondent authorities to appoint the petitioner as Panchayat Teacher under Gram Panchayat Raj, Chaita in Pakridayal Block, District, East Champaran.

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 2004 for appointment on the post of *Shiksha Mitra*.

4. The selection process was completed in the year 2005 but the writ application has been filed in 2017 after lapse of 12 years for quashing the selection of Respondent No.8 made in the year 2005. 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 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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