

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3040 of 2019

1. Santosh Kumar and Ors son of Sri Ram Vilas Rai resident of Village and P.O. Sher Bijulia, P.S. Baheri, District- Darbhanga.
2. Sudha Kumari wife of Shatrudhan Prasad Singh resident of Village RamNagar, P.O. Inayi, P.S. Baheri, District- Darbhanga.
3. Virendra Kumar son of Yogendra Poddar resident of Village and P.O. Dhanauli, P.S. Baheri, District- Darbhanga.
4. Madan Kumar son of Late Yugeshwar Sharma resident of Village Ujjaina, P.O. Bhatahi, P.S. Baheri, District- Darbhanga.
5. Shrawan Kumar Mandal son of Sri Yadu Nandan Mandal resident of Village and P.O. Bhachhi, P.S. Baheri, District- Darbhanga.
6. Sanjay Kumar Suman son of Sri Umaraj Yadav resident of Village and P.O. Bhachhi, P.S. Baheri, District- Darbhanga.
7. Kamni Devi wife of Ashok Sah resident of Village and P.O. Dhanauli, P.S. Baheri, District- Darbhanga.
8. Sudha Kumari wife of Durgesh Prasad Suman resident of Village Aamta, P.O. Dohat Narain, P.S. Baheri, District- Darbhanga.
9. Dinesh Kumar Yadav Son of Late Mukti Yadav resident of Village and P.O. Dhanauli, P.S. Baheri, District- Darbhanga.
10. Radheshyam Yadav Son of Suchit Yadav resident of Village and P.O. Dhanauli, P.S. Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Anr through the Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate
For the Respondent/s : Mrs Binita Singh (Sc 28)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

8 16-09-2025 Heard learned counsel for the petitioners and

learned counsel for the respondents.

2. The instant writ application has been filed assailing

validity and correctness of order under Memo No.1018 dated



31.08.2015, declining the claims of the petitioner at par with Panchayat Shiksha Mitra, who later on absorbed as Panchayat Teacher, had represented before the Principal Secretary, Education Department, Government of Bihar, along with relevant documents by appending order dated 21.03.2012 passed in C.W.J.C. No.14493 of 2008 (Bihar Pradesh Lok Shikshak Sang through its President vs. State and Others) and further to extent these petitioners the same and similar treatment as Panchayat Shiksha Mitra were guaranteed and for other necessary relief(s) to which the petitioners are found entitled in the eye of law.

3. At this stage, learned counsel for the petitioners submits that similarly situated persons had moved before this Court vide CWJC No.1109 of 2017 and the said writ application was heard by a coordinate Bench of this Court and vide order dated 30.11.2017, the Single Judge directed the case to be considered in the light of order dated 21.03.2012 passed in C.W.J.C. No.14493 of 2008 and other analogous cases. The observation made in C.W.J.C. No.14493 of 2008 is quoted herein below:-

“Considering all these aspects, this Court, without expressing any opinion on the merits of the claim of the petitioners, would give them liberty to file their representation before the



Principal Secretary of the Human Resources Development Department, Bihar, who in the light of the scheme of the Government as with regard to the earlier abolished post of Panchayat Shiksha Mitra and the post of Lok Shikshak will place the matter before the State Government and obtain necessary orders as with regard to extending the same facility of the post of Panchayat Shiksha Mitra to the Lok Shikshak.

With the aforementioned observations and directions, these applications are disposed of.”

4. He further submits that while disposing the C.W.J.C No.1109 of 2017, the Hon’ble Single Judge passed the following order:-

“Counsel for the petitioner conceded to the extent that direction for regularization, after the judgment in Secretary, State of Karnataka and Ors. vs Umadevi and Others: (2006) 4 SCC 1, is impermissible. However, he submits that since the petitioners have worked under the scheme of the State Government as such they are entitled to consideration of their case for age relaxation considering the fact that they have worked under the scheme of the State Government, there is absolutely no dispute that these petitioners have rendered services in furtherance of the scheme of the State Government for promoting education pursuant to the constitutional amendment and insertion of the Article 21A and Right to Children to Free and Compulsory Education Act, 2009. It is admitted position that the petitioners are still continuing.

The Court in the aforesaid circumstances deems it fit and proper to direct the respondents to consider relaxing the age in the event the



petitioners are otherwise eligible for the appointment as Panchayat Shikshak as one time measure considering the fact that they have worked under the scheme of the State Government.

With the aforesaid observations, the writ petition stands disposed of.”

5. The State feeling aggrieved, preferred Letters Patent Appeal being LPA No.637 of 2019, which was disposed of vide order dated 06.12.2021 and the following order was passed:-

“Heard learned counsel for the parties.

The operative portion of the order impugned in this Letters Patent Appeal reads as under:

‘The Court in the aforesaid circumstances deems it fit and proper to direct the respondents to consider relaxing the age in the event the petitioners are otherwise eligible for the appointment as Panchayat Shikshak as one time measure considering the fact that they have worked under the scheme of the State Government.

With the aforesaid observations, the writ petition stands disposed of.’

It is evident from above that the State Government was only directed to consider relaxing the age in the event the petitioners were otherwise eligible for appointment as Panchayat Shikshak as one time measure considering the fact that they have worked under the scheme of the State Government. It is thus, obvious that the discretion was left completely in the hands of the



State Government. It is inexplicable why this Letter Patent Appeal has been filed, normally, that too, after a delay of one and half years.

The appeal appears to be totally frivolous in nature as the direction could have been complied with by the concerned authority of the State Government.

In view of the above, this Letters Patent Appeal is dismissed.

Normally, in such circumstances, heavy cost needs to be imposed. However, as the State counsel assures that the State shall be careful in future while filing such appeals, we do not intend to impose cost in the instant petition.”

6. Learned counsel for the State has chosen to submit that the claim of the petitioner is not tenable in view of the fact that they were not Panchayat Shiksha Mitra, rather they were Lok Shikshak, and therefore, the consideration seeking weightage for the services rendered as Lok Shikshak cannot be allowed in their favour. The Respondent-State further submits that even assuming that the services of these petitioners were at par with Panchayat Shiksha Mitra, the scheme of Panchayat Shiksha Mitra got abolished w.e.f. 01.07.2006, and there is no post of Panchayat Shiksha Mitra as of today, wherein the matter of appointment, weightage of the kind can be given.

7. Learned counsel for the State does not dispute the



fact that the judgments referred to by the counsel for the petitioners were passed in cases where similarly situated persons had approached the Court, and their status was also that of Lok Shikshak, in whose favour the order was passed by the learned Single Judge in CWJC No. 1109 of 2019. Being aggrieved by the order so passed by the learned Single Judge, LPA No. 637 of 2019 was preferred by the State authorities, and the Division Bench, finding the appeal to be totally frivolous in nature, dismissed the same. The Hon'ble Court refrained from imposing heavy costs only on the assurance given by the State Counsel that the State shall be careful in future while filing such appeals.

8. Be that as it may, when, in such background, the appeals so preferred were dismissed, the State has a legal duty to consider the claim of these petitioners and their candidature in future, strictly in terms of the observations made by the learned Single Judge, giving due weightage in future services to which they are found to be eligible.

9. In view of the above, this writ application stands disposed of.

(Ajit Kumar, J)

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