

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7299 of 2013

=====

Anil Kumar Sah, Son of Late Sethjee Sah, Resident of Village - Barkagaon,
P.O. - Barkagaon, P.S. - Karza, Block - Marwan, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The District Education Officer, Muzaffarpur
5. The District Program Officer (Establishment), Muzaffarpur
6. The Block Education Officer, Marwan Block, District - Muzaffarpur
7. The Mukhiya, Gram Panchayat Raj Barkagaon, Marwan Block, Muzaffarpur
8. The Panchayat Secretary, Panchayat Raj Barkagaon, Marwan Block,
Muzaffarpur
9. The Head Master, Govt. Middle School Nayatole Barkagaon, District -
Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr.Krishna Kant Singh, Advocate
For the State	:	Mr. Kinkar Kumar, SC-9
		Ms. Sushmita Sharma, AC to SC-9

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 21-11-2025

Heard learned counsel for the parties.

2. The brief facts of the case is that in the year 2005, 33 vacancies of Panchayat Shiksha Mitra were notified for appointment in Gram Panchayat Raj, Barkagaon, Marwan Block, Muzaffarpur. The petitioner applied for the same and was selected as Panchayat Shiksha Mitra by a Selection Committee on 05.12.2005 and was issued an appointment letter bearing No.



253 dated 06.12.2005. According to the petitioner, he joined on 23/24.12.2005 in Government Middle School, Barkagaon, District- Muzaffarpur. After enforcement of 2006 Rules, the petitioner stood absorbed as Block Teacher.

3. Learned counsel for the petitioner submits that the petitioner continuously discharged duties from December, 2005 till 2007. Initially, he was allowed to sign the Attendance Register, but from 2007 the Headmaster of the concerned school stopped him from marking his signature on the Attendance Register without assigning any reasons. His salary was also withheld. The petitioner continued working and submitted several representations before the authority. Ultimately, the petitioner filed a representation before the District Magistrate, Muzaffarpur, who forwarded the same to the District Teachers Appointment Appellate Tribunal for adjudication, and on the basis of said representation, Case No. 312 of 2007 was registered. The Tribunal rejected his claim vide order dated 28.12.2012 and held his appointment illegal merely because the Selection Register did not bear the signature of the Panchayat Secretary and secondly he allegedly did not possess the minimum educational qualification at the time of selection. Learned counsel submits that since the State Teachers Appellate



Authority was not functioning at that point of time when the order of District Teachers Appointment Appellate Tribunal dated 28.12.2012 was passed, as such, the present writ application has been filed.

4. On the other hand, learned counsel for the State submits that the State Teachers Appellate Authority is now functioning and the petitioner may file an appeal before the said authority against the order passed by the District Teachers Appointment Appellate Tribunal dated 28.12.2012.

5. Respondent No. 8 has supported the Tribunal's finding that the petitioner's appointment was illegal alleging that the petitioner lack minimum qualification at the time of selection and the Selection Register did not bear the Panchayat Secretary's signature suggesting illegality in the appointment process. Further claim of the petitioner is that he was never terminated and, therefore, is entitled to salary for the working period.

6. Considering the nature of dispute and claim and counter claim between the petitioner and the State, the present writ application is disposed with liberty to the petitioner to file an appeal before the State Teachers Appellate Authority. If the appeal is filed along with a petition for condonation of delay



within a period of one month from today, the State Teachers Appellate Authority shall condone the delay and consider the appeal of the petitioner on merits and shall dispose the appeal within a reasonable time-frame, in accordance with law, preferably within a period of six months from the date of filing of the appeal.

7. With the aforesaid liberty, observations and directions, the present writ petition is disposed.

(Anil Kumar Sinha, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	24.11.2025
Transmission Date	

