

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.600 of 2022

In

Civil Writ Jurisdiction Case No.17542 of 2019

Shabana Parveen, D/o Md. Noman and W/O Md. Arfin, R/O Village-Khuriyal Panchayat, P.S.- Azamnagar, District- Katihar.

... .. Appellant.

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Chairperson of the State Appellate Authority, at Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Member, District Teacher's Appellate Authority, Katihar, District-Katihar.
5. The District Magistrate, Katihar.
6. The District Programme Officer, Katihar.
7. The District Education Officer, Katihar.
8. The Block Education Officer, Azamnagar, District- Katihar.
9. The Headmaster of Primary School, Singhpur West, P.S.- Azamnagar, P.O.- Singhpur, Block- Singhpur, District- Katihar.
10. The Niyojan Samittee of Education, Panchayat Raj, Kuriyal, through its President.
11. The Panchayat Secretary of Gram Panchayat Raj, Kuriyal, Azamnagar, P.S.- Azamnagar, District- Katihar.

... .. Respondents.

Appearance :

For the Appellant : Mr. Ashok Kumar, Advocate.
Mr. Diwakar Sinha, Advocate.
Mr. Ravish Mishra, Advocate.
For the State : Mr. Apurva Kumar, AC to GA-12.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-02-2025

I.A. No.01 of 2022:

Heard I.A. No.01 of 2022.

2. There is a delay of about 3 years and 21 days in assailing the order of the learned Single Judge dated 30.08.2019



passed in C.W.J.C. No.17542 of 2019.

3. Cause of action accrued to the appellant in filing L.P.A. is on 29.09.2019. There is a delay of about few months till commencement of COVID-19 period on 15.03.2020 and further there is a delay of about 7 months after COVID-19 period expires in the month of February, 2022. In other words, L.P.A. has been presented on 18.09.2023.

4. Taking note of these material information, we proceed to condone the delay of about few months in filing the L.P.A. Accordingly, I.A. No.01 of 2022 stands allowed.

L.P.A. No.600 of 2022:

5. With the consent of the respective parties, L.P.A. No.600 of 2022 is taken up for final disposal.

6. Learned counsel for the appellant submitted that case of Kalpana Rani is different from the case of the appellant. In this regard, he has submitted that appellant was appointed on 01.03.2003 to the post of Shiksha Mitra. It was a tenure appointment and it was extended from time to time. The appellant fell ill on 31.01.2006 and she has reported back on 22.02.2006. Her reporting for duty has not been accepted by the Headmaster. Thereafter, her services have been dispensed. Hence, C.W.J.C. No.17542 of 2019 was filed. Similarly situated



persons like Kalpana Rani, who was also appointed as a Shiksha Mitra in the year 2003, her services were dispensed in the month of July, 2006.

7. In the light of the policy decision of the State Government insofar as abolition of Shiksha Mitra post and consequential action insofar as absorption against a Primary Panchyat Teacher was also the subject matter of litigation in the case of Kalpana Rani and others. Full Bench has taken a decision on 15.05.2014 and it was against Kalpani Rani. Feeling aggrieved by the Full Bench decision, Kalpana Rani preferred Special Leave Petition (C) No.1071 of 2015 and it was dismissed on 02.02.2015 along with the case of Dhrub Prasad Singh Versus State of Bihar and others.

8. In the light of these facts and circumstances, appellant has not made out a case on merit. Accordingly, the present L.P.A. No.600 of 2022 stands dismissed.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2025.
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