

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1346 of 2017

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Urmila Kumari W/o Sri Pramod Kumar Ray, R/o Vill- Darwa, Post- Darwa,
Via- Purushootampur, P.S.- Tajpur O.P. Halai, Dist- Samastipur 848505.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, District Samastipur. null null
5. The District Superintendent of Education, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Bal Krishan, Advocate
For the Respondent/s : Mr. Madhaw Prasad Yadav, GP-23

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 6 18-02-2026 The petitioner was engaged as a Lok Shikshak, on the basis of Stipend (Mandey), for imparting basic education to the children between the age of 6 to 14 years. After her engagement, she was imparted training and thereafter discharging her duty as Lok Shikshak. Subsequently, by Resolution No. 1079 dated 20th June, 2002, the Government of Bihar decided to appoint Shiksha Mitra at Gram Panchayat Level selected by the jurisdictional Gram Panchayat for imparting basic education, initially for a period of 11 months. Subsequently, the period of contract was extended up to three years. Subsequently by a Resolution No. 1458, dated 11th

August, 2004, the State Government decided to regularize the service of Shiksha Mitra against the vacant post of Assistant Teachers as Panchayat Teachers. The Stipendiary appointment of Lok Shikshaks was abolished in the year 2006. Some of the Lok Shikshaks filed several writ petitions bearing C.W.J.C. No. 14493 of 2008 along with other writ petitions and a Co-ordinate Bench of this Court disposed of the same writ petitions by an order dated 21st March, 2012. The Co-ordinate Bench disposed of the said writ petitions by passing an analogous order as hereunder:-

In the considered opinion of this Court, the solitary prayer made in these writ applications for treating the Lok Shikshak equivalent to Panchayat Shiksha Mitra on a date on which the post of Panchayat Shiksha Mitra did not remain in existence seems to be wholly misconceived. The post of Panchayat Shiksha Mitra came to be abolished w.e.f 01.07.2006 on which date all the working Panchayat Shiksha Mitra were sought to be absorbed as Panchayat Shikshak. If the petitioners holding the engagement as Lok Shikshak were therefore, sought to be discriminated from the inception by not being given the same facility as, Panchayat Shiksha Mitra, they had to move before the competent Authority at the time of their engagement for seeking parity with the Panchayat Shiksha Mitra.

That having been not done, this Court cannot direct for creation of those abolished post of Panchayat Shiksha Mitra for its being made the basis for providing equal treatment to Lok Shikshak.

True it is that the highest authorities in the State at one point of time had considered the grievance of the petitioners and had also made some public announcement as appears from the newspaper cuttings enclosed with the writ application but then these newspaper cuttings in isolation cannot be made the basis for issuance of a direction specially when this Court does not find that the post of Panchayat Shiksha Mitra and the post of Lok Shikshak was same and similar.

*Everything apart, if the Government, however, had at any point of time thought it necessary to consider the cases of the Lok Shikshak and also if the petitioners can demonstrate that the promise made by the State and its officials would create estoppel, they can still satisfy the State Government that having made the Panchayat Shiksha Mitra as a Panchayat Teacher by framing of the rules similar provisions could have been made for the Lok Shikshak. It is this aspect of the matter which has been decided by the Apex court in its judgment in the case of **Surya Narain Yadav vs The Bihar State Electricity Board and Ors** reported in **AIR 1985 SC***

941.

Thus if there be any promise on the part of the State Government as with regard to Lok Shikshak as is being claimed by the petitioners they would at least be entitled for reconsideration of their cases.

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.

2. The petitioner has prayed for the similar relief by filing the instant writ petition in the year 2017.

3. Learned Advocate on behalf of the petitioner refers to a judgment passed by a Co-ordinate Bench in **C.W.J.C. No. 6881 of 2020** and **C.W.J.C. No. 6721 of 2020**, wherein and

wherunder by an order dated 28th March, 2025, the Co-ordinate Bench disposed of the above-mentioned writ petitions in the light of the judgment passed in ***C.W.J.C. No. 14493 of 2008 (Bihar Pradesh Lok Shikshak Sangh & Ors. v. The State of Bihar & Ors)*** (and other analogous cases) directing the Additional Chief Secretary, Education Department to consider the grievance of the petitioner in the light of the judgment passed in C.W.J.C. No. 14493 of 2008 and disposed of the individual representations filed on behalf of the petitioners expeditiously in accordance with law.

4. It is needless to say that the judgment passed by the Co-ordinate Bench in C.W.J.C. No. 6881 of 2020 and another case does not have any pointing effect upon this Court. It has only a persuasive value.

5. Be that as it may, the petitioner was engaged as Lok Shikshak prior to 2002, her service came to an end in the year 2006. In the year 2002, a new class of employees, namely, Shiksha Mitra came into existence at Panchayat level. The petitioner did not take any step either in 2002 when the posts of Shiksha Mitra came to existence or in 2006 when the posts of Lok Shikshaks were abolished or in 2012 and 2013 immediately after disposal of C.W.J.C. No. 14493 of 2008.

6. Thus, the instant writ petition suffers from delay and laches. When a person claims an equitable right in writ jurisdiction he/she must be vigilant about his/her fundamental/legal right. If he/she sits on the fence and comes forward only after a considerable period of delay experiencing the fate of his/her colleagues, the writ Court shall refrain from granting any relief to the petitioner.

7. For the reasons stated above, I do not find any merit in the instant writ petition.

8. Accordingly, the instant writ petition is dismissed on contest.

9. However, there shall no order as to cost.

(Bibek Chaudhuri, J)

Jyoti Kumari/-

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