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**(2015) 08 PAT CK 0099**

**In the Patna High Court**

**Case No : LPA No. 50 of 2014 [in CWJC No. 14267 of 2012]**

Neelam Kumari

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision : 10-08-2015**

**Acts Referred:**

**Citation : (2015) 4 PLJR 707**

**Hon'ble Judges : I.A. Ansari, Actg. C.J. and Chakradhari Sharan Singh, J.**

**Bench : Division Bench**

**Advocate : Shashi Bhushan Kumar, for the Appellant; Prabhat Kumar Singh and Sanjeev Kumar Singh, for the Respondent**

**Final Decision : Dismissed**

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## **Judgement**

Chakradhari Sharan Singh, J.—The appellant has preferred the present Appeal, under Clause-10 of the Letters Patent of this Court, aggrieved by the order dated 3.9.2012, passed by the learned Single Judge in C.W.J.C. No. 14267 of 2012. The appellant was the writ petitioner before the learned Single Judge and had sought for quashing of an order, dated 5.11.2011, passed by the District Teachers Appointment Appellate Authority, Vaishali (hereinafter referred to as the "Appellate Authority") in Case No. H.C.-155 of 2011, whereby the Appellate Authority had rejected her case for reinstatement as Panchayat Teacher. Admittedly, the appellant was earlier appointed as Shiksha Mitra, on 13.2.2003, for a period of 11 months with her Matriculation qualification. Subsequently, extensions were granted to her in the years 2004 and 2005, but further renewal was not granted to her, on the ground that she did not fulfil enhanced educational qualification of Intermediate as required for the appointments as Shiksha Mitra. The appointments were made under a scheme of the State Government of Bihar as contained in the Government Resolution, dated 21.6.2002, modified from time to time.

2. This is not in dispute that with effect from 1.7.2006, Panchayat Primary Teachers (Appointment and Service Condition) Rules, 2006 (hereinafter referred

to as the "Rules") came into force, whereby the post of Shiksha Mitra, created under the said scheme of the State Government, came to be abolished and Resolution, creating post of Shiksha Mitra stood repealed. However, such persons, who were working as Shiksha Mitra, as on 1.7.2006, acquired the status of Panchayat Teachers by operation of Rule 20(iii) of the said Rules.

3. This is, thus, an admitted fact that the appellant was not working as Shiksha Mitra as on 1.7.2006. There would be, therefore, no question of her reinstatement as Shiksha Mitra in any circumstance as the said post came to be abolished with effect from 1.7.2006. The case of the appellant is squarely covered by the Full Bench decision of this Court in case of Kalpana Rani and Prashant Kumar Vs. The State of Bihar and Others, and Division Bench decision in case of Smt. Renu Kumari Pandey Vs. The State of Bihar and Others, .

4. The order under appeal dated 3.9.2012, passed by the learned Single Judge, does not require any interference, there being no infirmity in the order. This appeal has no merit and is, accordingly, dismissed.