

**Sangita Kumar Vs. the State of Bihar and ors**

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**SooperKanoon Citation :** [sooperkanoon.com/975071](http://sooperkanoon.com/975071)

**Court :** Patna

**Decided On :** May-11-2012

**Appellant :** Sangita Kumar

**Respondent :** The State of Bihar and ors

**Judgement :**

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.429 o

1. Sangita Kumari W/O Kaushalendra Kumar Resident Of Village-Jiyanbigha,Kosera, P.S.- Sheikhpura, District-Sheikhpura Versus 1. The State Of Bihar 2. The Principal Secretary Human Resources Department, Government of Bihar, Patna.

3. The Director Primary Education, Government of Bihar, Patna 4. The District Magistrate Sheikhpura, District- Sheikhpura 5. Zila Shikshak Niyojan Appelleye Pradhikar Sheikhpura,District- Sheikhpura 6. The District Education Officer Sheikhpura, District- Sheikhpura 7. The District Superintendent of Education Sheikhpura 8. Teh Block Development Officer Sheikhpura, District- Sheikhpura 9. The Panchayat Secretary, Gram Panchayat Block Sheikhpura, P.S. Sheikhpura,District- Sheikhpura -----

11. 01.2012 By the impugned order of the Appellate Authority, the appointment of the petitioner has been found to be illegal as it has been found that she could not continued as Shiksha Mitra and also simultaneously continue as regular student of

Intermediate and complete the course. The Appellate Authority has held that either she was not present in the school or she was not present in the college for completing her Intermediate course. A subsequent application of the 2 petitioner filed before the Secretary of the Bihar Intermediate Education Council dated 13.02.2011 is annexed as Annexure-7. This application has been filed before the Council with a request for correction of her certificate in which she claims that it has been wrongly mentioned that she was a regular student. She claims that, in fact, she was an independent student and, therefore, said correction is required to be made in her certificate. This stand of the petitioner in her application, submitted before the Council, shows that she accepts that she could not continued as regular student in Intermediate course side by side performing her duties as Shiksha Mitra. This application of the petitioner is later to the impugned order. Hence, on the basis of the materials available before the Appellate Authority, it has come to a right conclusion. However, if the petitioner is able to get her certificate corrected by the Intermediate Council that she was an independent candidate, she will be at liberty to move the Appellate Authority 3 again for recall of the earlier order on the basis of this new material available to her to show that she had validly completed her Intermediate course while performing her duties as Shiksha Mitra also. If she files such an application, the Appellate Authority shall consider the new material produced by the petitioner and pass appropriate orders in accordance with law. This writ application is accordingly disposed of with the aforesaid observations and directions. Arvind/ ( J.N. Singh, J.)