

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12985 of 2015

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Karim Baksh Mumtaz s/o Jikrullah Mian, r/o village +P.O. Mathia, Block Bankatwa, P.s. Lakhoura, District East Champaran, Motihari.

.... Petitioner/s

Versus

- 1.The State of Bihar through Principal Secretary, Human Resources, Government of Bihar, Patna.
- 2.The Director, Mass Education cum Joint Secretary, Government of Bihar, Patna.
- 3.The Regional Deputy director of Education, Muzaffarpur, District Muzaffarpur.
- 4.The District Education officer, East Champaran, Motihari.
- 5.The District Programme Officer (Saksharta), East Champaran, Motihari.
- 6.The Block Education Officer, Bankatwa, East Champaran, Motihari.
- 7.The Incharge Headmaster, Utkramit Middle School, Mathia, Block Bankatwa, district East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv

For the Respondent/s : Mr. GP16- Rajesh Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 20-08-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner did not hold the post of any Government servant and in fact was engaged as Sikshak Swanyagsevak (Talimi Markai), this Court is not inclined to look into the grievance of the petitioner of termination of his service, in writ jurisdiction inasmuch as he has to avail remedy under ordinary law with reference to terms and conditions of his such engagement leading to termination of his service.



As a matter of fact these voluntary/social welfare schemes has been floated by the Government and the present scheme is being controlled by the Education Department. Thus this Court would only give liberty to the petitioner to move before the Principal Secretary of the Education Department against the order passed by the District Programme Officer terminating his services.

It is also made clear, that if the petitioner files such representation enclosing a copy of this order, the competent authority of the Education Department may take any appropriate decision expeditiously preferably within a period of three months from the date of filing of the representation by the petitioner and if the petitioner is still aggrieved of such a decision, he may file civil suit before competent civil court for enforcement of his terms and condition of his engagement as a volunteer (स्वयंसेवक).

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

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