

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8218 of 2015

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1. Manoj Kumar, son of Mahabir Ram, resident of Pandit Nagar, Police Station- Nalanda, District- Bihar Sarif Nalanda.
 2. Suman Kumar, son of Sri Ved Krishna Mishra, resident of Shanti Vihar Colony, Police Station- Darbhanga Sadar, District Darbhanga
 3. Prakash Kumar Jha son of Kishore Kumar Jha, resident of Brahampur, Police Station- Manigachhi, District- Darbhanga
 4. Prabha Kumari, wife of Ram Vilash Rajak, resident of VIP Colony (Sirchand Nawada), Police Station- Jamuai, District- Jamuai
 5. Vishwa Mohan Kumar son of Late Banarsi Prasad, resident of Doctors Colony, Police Station- Mokama, District- Patna
 6. Abha Jha, daughter of Kewal Nand Mishra C/o Indu Kumari resident of Housing Colony, Krajpur, Police Station- Dabhanga District- Darbhanga.
 7. Vidya Prakash son of Late Lakshmi Prasad, resident of Jayantipur Police Station- Baheri, District- Darbhanga
 8. Chanda @ Chanda Kumari wife of Animesh, resident of Madrapur, Police Station- Darbhanga sadar, District- Darbhanga **Petitioners**

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resource, Government of Bihar, Patna
 2. The Principal Secretary, Department of Human Resource, Government of Bihar, Patna.
 3. The State Project Director, Bihar Education Project Council, Siksha Bhawan, Rastravasha Parishad Parisar, Saidpur , Rajendra Nagar, Patna
 4. The District Program Officer, Primary Education and Sarva Siksha Abhiyan Bihar Education Project, Darbhanga **Respondents**
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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Ga4- Ashok Priyadarshi
Mr. G.Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 21-12-2015 Petitioners were appointed as Sansadhan teachers by the District Unit Education Project Council, Patna. The year of contract was for a limited period which was extended from time to time. They have challenged letter no. 3350, dated 11.5.2015 passed by respondent no.3, whereby their appointments have been declared as illegal and direction has been

issued to concerned authority to take legal action. The petitioners have also filed IA No. 9622 of 2015 for modification/amendment in the relief portion to include the following relief mentioned in paragraph 4 which is quoted herein below:-

“Issuance of further writ in the nature of certiorari for quashing the order contained in memo no. 800 dated 26.6.2015 issued by respondent no.4, the district programme officer, primary Education and Sarva Siksha Abhiyan, Bihar Education Project, Darbhanbga.”

In view of the reasons mentioned in the IA, the same is allowed and the prayer would form a part of the main writ petition.

The petitioners submit that the impugned order holding their appointment to be illegal has been passed without providing an opportunity of hearing. They further submit that it is not the respondents' case that the petitioners secured appointment by making misrepresentation or by committing fraud. They further submit that there is no allegation that they did not perform their work.

Counsel for respondents no. 3 and 4 State that petitioners' appointment was entirely contractual and period

based, as such this Court may not interfere in the matter in the writ jurisdiction. In support of his submission, learned counsel for the respondents has drawn my attention to some orders passed by the learned Single judge as well as by learned Division Bench of this Court.

Heard Mr. Shyama Prasad Mukherji, learned Senior counsel for the petitioners and learned counsel for respondents no. 3 and 4 and the State.

It appears from the impugned order that the selection committee made recruitments by relaxing the terms and conditions mentioned in the guidelines contained in letter dated 23.7.2010, issued by respondent no.3. It appears from materials on record that no follow up action has been taken. Further, as the matter is of contractual appointment, jurisdiction of the Court in matter of judicial review is limited. This Court would only observe that as no final order pursuant to letter dated 8.5.2015 has been passed, the petitioners, if so advised, may represent to the authorities for appropriate consideration expeditiously, preferably within six weeks.

With the aforesaid observation, this writ petition is disposed of.

(Samarendra Pratap Singh, J)

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