

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7625 of 2016

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1. Gita Kumari Mehta Daughter of Late Baldeo Prasad and Wife of Sri Akhileshwar Prasad resident of village - Gurmha, Police Station Mufassil, District - Nawada
 2. Jayanti Kumari daughter of Late Genauri Prasad Singh and Wife of Sri Pramod Prasad Singh resident of village - Kharijama, Police Station - Islampur, District - Nalanda
 3. Rita Gupta daughter of Late Jawahar Lal Gupta and Wife of Sri Binay Prasad resident of village - Sirdala, Police Station - Sirdala, District - Nawada
 4. Manorama Kumari daughter of Sri Ram Ratan Prasad and Wife Sri Gajendra Kumar Nirala resident of village - Bardaha, Police Station - Sirdala, District - Nawada
 5. Kumari Kanchan Sinha Daughter of Sri Ishwari Prasad and Wife of Sri Shyam Kishore Prasad resident of village - Kajipura, Police Station Narhat, District - Nawada
 6. Savita Kumari Daughter of Sri Basudeo Prasad and Wife of Sri Madhukar Kumar Madhukar resident of village - Daula Chak, Police Station - Giriak, District - Nalanda
 7. Manorama Sinha Daughter of Late Hari Lal Prasad and Wife of Sri Anjani Kumar resident of village - Bijjubigha, Police Station Meskaur, District - Nawada

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Human Resources Development, Government of India, New Delhi
2. The State of Bihar through the Secretary, Department of Human Resources Development, Government of India, New Delhi
3. The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna
4. The Bihar Education Project Council through its State Project, Director, Patna
5. The District Magistrate cum Collector, Nawada
6. The District Education officer, Nawada
7. The District Programme officer, Primary Education and Sarva Shiksha Abhiyan, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Rajendra Narayan, Sr. Advocate
Mr. Rabi Bhushan Prasad No. 1
For the State : Mr. Amaresh Kumar, AC to SC 15
For Respondent no.4 : Mr Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-07-2016

Heard learned senior counsel for the petitioners, counsel for respondent Bihar Education Project as well as counsel for the State.

The issue raised by these petitioners in the present writ application, especially with regard to the decision contained in Annexure-15 comes within the domain of policy making, therefore, this Court will not delve into.

There is no dispute or argument that the scheme, which is known as Kasturba Gandhi Balika Vidyalaya Scheme, is being implemented and carried on by the State of Bihar but is the baby of the Central Government. The funding and parameters are laid down by Central Government. The decision contained in Annexure- 15, dated 16.2.2016 is part of the same deliberation and exercise. The Court is informed that the decision has been taken keeping the above background. The State is not the employer. At the best, they are agents and not the principal.

If this be so, the Court cannot pass any directive to hire these petitioners on a permanent basis with a pay scale etc.

The remedy for these petitioners lies elsewhere and not before the Court keeping in mind the nature of engagement.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.7.2016
Transmission Date	