

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.494 of 2015

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1. Kavita Shrivastava, Wife of Suresh Prasad Verma Resident of Village-Madhopur
Anant, P.O.-Khairvadarp, P.S.-Sheohar, District-Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Department of Human Resources Development,
Government of Bihar, New Secretariat, Patna
4. The State Project Director, Bihar Education Project Council, Beltorn Bhawan,
Shastri Nagar, Patna-800023
5. The District Education Officer, Sheohar.
6. District Programme Officer, Primary and Sarva Siksha Abhiyan, Bihar Education
Project, District-Sheohar at Sheohar
7. The Collector-Cum-Chairman, District Project Co-ordinator, Sarva Siksha
Abhiyan, Sheohar.
8. The State Programme Co-ordinator, Bihar Mahila Samakhya Society
(Department of HRD) State Office, Khadi Bhandar Bhawan, Gandhi Maidan, Patna
9. The Mahila Samakhya Society, through its Secretary, State Office, Khadi
Bhandar Bhawan, Gandhi Maidan, Patna
10. The District Programme Co-ordinator, Bihar Mahila Samakhya Society,
Sheohar.
11. The Headmaster/the Incharge Headmaster, Kasturba Gandhi Balika Vidyalaya,
Chhatauni, Block-Tariyani.
12. The District Programme Co-ordinator, Muzaffarpur.
13. The District Programme Officer, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastwa, Adv.

For the Respondent/s : Mr. Sheo Shankar Pd., S.C.10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-10-2016

Heard Mr. Kumod Kumar Shrivastwa, learned counsel for the
petitioner, learned counsel for the State and learned counsel for the
Bihar Education Project Council.

The petitioner is aggrieved by the order dated 29.9.2014 of the
District Educational Officer whereby her services has been terminated
on grounds that the petitioner has failed to produce the appointment
letter. The petitioner relies upon a proceeding of the Kasturba Gandhi



Mahila Samakhya Society present at Annexure-2 which was held on 18.5.2007 and was participated by the representatives of the Mahila Samakhya Samiti, the representative of the Bihar Education Project and the representative of the District office of the Mahila Samakhya Sansthan at Muzaffarpur. A panel of 47 applicants was prepared for carrying out teaching and non-teaching work in the Kasturba Gandhi Balika Vidyalaya in the 8 blocks in the district of Muzaffarpur, namely Katara, Aurae, Minapur, Sakara, Gayghat, Motipur, Sahebganj and Bandra. The petitioner however was asked to discharge duty of a warden at Kasturba Gandhi Balika Vidyalaya Block Tariyani in the district of Sheohar and where she claims to have been working since after her selection in May 2007 until the passing of the order impugned order dated 29.9.2014.

According to Mr. Srivastawa whereas 46 persons whose names appear in the panel present at Annexure-2 have continued on their posts, it is the petitioner who has been singled out for termination. He submits that no appointment orders was issued in respect of any of the appointees and it is on the basis of the decision present at Annexure-2 that each of them have been posted in different schools and are continuing on their respective posts. He submits that when a proceeding in this regard was initiated, that the petitioner invoked the Right to Information Act for seeking information as regarding the appointment letters following the decision present at Annexure-2 and



when he has been informed by the District Programme Coordinator Bihar Mahila Samakhya Society, Muzaffarpur vide Annexure-8 at page 34 that no appointment orders were issued in respect of any of the appointees on the panel enclosed with the information, a copy of which is also placed at Annexure-2. He thus submits that the circumstances where none of the 47 selected candidates were issued appointment orders rather each of them on the basis of decision by the society are discharging their duties on their respective posts, the petitioner has been given a discriminatory treatment by order of termination present at Annexure-1 on grounds of non issuance of appointment order even when none of these 47 persons were issued any appointment order.

A counter affidavit has been filed on behalf of the District Programme Officer and while contesting the arguments advanced on behalf of the petitioner, it is stated at paragraph 5 that whereas the appointments were being made only for the 8 blocks coming under the district of Muzaffarpur which also finds mention in the proceeding present at Annexure-2 but the petitioner was posted at Sheohar for which there was no such decision.

I have heard learned counsel for the parties and I have perused the records.

Whereas the proceedings present at Annexure-2 relates to the selection made for 8 blocks coming under district of Muzaffarpur, it is

not disputed that the petitioner was posted as a Warden at Kasturba Gandhi Balika Vidyalaya, Block Tariyani in the district of Sheohar. The posting of the petitioner is thus contrary to the decision of the Committee present at Annexure-2. It is argued by Mr. Srivastawa appearing for the petitioner that she never joined at Sheohar on her own rather as in the case of the remaining 46 persons even the petitioner was so directed and it is pursuant whereto that she joined at Sheohar. It is thus the argument of the petitioner that she should be accorded the same treatment as given to the remaining 46 selected candidates whose names finds mention at Annexure-2.

Having heard learned counsel for the parties and considering the circumstances existing, I deem it fit and proper to dispose of the writ petition with the liberty to the petitioner to raise his grievance before the Director Bihar Education Project respondent No.4 and who shall consider the grievance of the petitioner and dispose of the same in accordance with law preferably within six weeks from the date of its filing.

The writ petition is accordingly disposed of.

Bibhash/-

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CAV DATE	
Uploading Date	18.10.16
Transmission Date	

(Jyoti Saran, J)