

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21899 of 2014

- =====
1. Md. Mojamil Husain S/o Md. Mosaiyad Khan Resident of Village Piparpati, Panchyat Donwar, Police Station Jogapatti, District West Champaran.
 2. Rehana Khatun W/o Jahangir Alam Resident of Rampurva Patkhauri, Police Station Jogapatti, District West Champaran.
 3. Noor Shaba W/o Asgar Ali Resident of Village Navalpur, Police Station Jogapatti, District West Champaran.
 4. Tajama Khatun W/o Alauddin Ansari Resident of Village Padraun, Police Station Jogapatti, District West Champaran.
 5. Rabeya Khatun W/o Kitabuddin Ansari Resident of Village Dhadhwa, Bhawanipur, Police Station Navalpur, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran.
2. The Chief Secretary, Department of Education, Government of Bihar.
3. The District Education Officer cum District Program Officer, West Champaran.
4. The Block Education Officer, Yogapatti Block, West Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Respondent/s : Mr. SC17-Arbind Kumar No.II

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-07-2016

The writ application is confined to petitioner no.1 and 4 alone. Matter is not pressed with regard to petitioner no.2, 3 and 5.

The issue is that the petitioners claim themselves to have been selected on the post of Education Volunteers (Shiksha Swamsevi) for Talimi Markaj, a scheme initiated by the State of Bihar for encouraging education to small children especially belonging to the minority community as well as of Mahadalit category of society.



It is case of these petitioners that they were selected along with list of 20 odd persons. 15 were sent for training whereas these persons have been left out. There are materials to show that there was some confusion with regard to the schools where such engagement was required to be made and the services of these petitioners was required to be utilized.

Grievances were raised before the superior authorities. Communications has flown between them. What emerges from those communications as well as material, which has been brought on record in the counter affidavit filed on behalf of the District Programme Officer, that there was some problem in relation to the identity as well as the schools, which were required to be included in the said scheme. The authorities down below especially the Shiksha Samiti either out of some kind of a mischief or lack of understanding made up the mess and the present dispute is a fall out of the same.

The scheme of the government and the project are very much in place. If certain areas or schools have not been identified for hiring such manpower under the scheme, whatever may have been done by the Shiksha Samiti by selecting the petitioners does not create any right in their favour because the scheme has to be worked in terms of the policy and the directive of the superiors and the subordinate authorities have no leeway in the same.

In fact, the selection of the petitioners which is a fruitless exercise because their hiring is not an open hiring but hiring against certain identified schools, which now emerges were not part of those identified schools for which such hiring was required to be made in the first place.

In view of the same, there cannot be any mandamus or directive upon the respondents to send these petitioners for training.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

sk

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	14.7.2016
Transmission Date	