

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5517 of 2014

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1. Sumitra Devi Wife Of Rajkishore Prasad Verma Resident Of Village - Sinuara, P.S. - Mohanpur, District - Gaya
 2. Sajada Praveen D/O Ziaur Rahman Resident Of Sherghati, P.S. - Amash, District - Gaya
 3. Lalmati Kumari Wife Of Heera Prasad Resident Of Village - Hitehapur, P.S. - Konch, District - Gaya
 4. Kumari Prema Wife Of Late Vidhanand Sinha Resident Of Village - Janakpur, P.S. - Muffasil, District - Gaya
 5. Anita Kumari Wife Of Bhagwan Sao Resident Of Village - Gurua, P.S. - Gurua, District - Gaya
 6. Manju Kumari Wife Of Indu Bhushan Resident Of Mohalla - Rajkothi, Barkidelha, P.S. - Delha, District - Gaya
 7. Baby Kumari Wife Of Sanjay Kumar Resident Of Village - Deeha, P.S. - Guraru, District - Gaya
 8. Manoj Kumari Wife Of Nandlal Kumar Resident Of Village - Lalubigha, P.S. - Khijarsarai, District - Gaya
 9. Jyoti Kumari Wife Of Ambika Prasad Resident Of Mohalla - Janakpur, P.S. - Muffasil, District - Gaya
 10. Kumari Babita Ranjan Wife Of Lalan Prasad Resident Of Village - Jamalpur, P.S. - Paraia, District - Gaya
 11. Chinta Kumari Wife Of Naresh Prasad Singh Resident Of Village - Bechu Bigha, P.S. - Bankey Bazar, District - Gaya
 12. Poonam Kumari Verma Wife Of Chandrika Prasad Resident Of Village - Matuk Bigh, P.S. - Guraru, District - Gaya
 13. Poonam Kumari Wife Of Harichan Prasad Resident Of Village - Kochra, P.S. - Islampur, District - Gaya
 14. Archana Kumari Wife Of Sunil Kumar Resident Of Village - Mafa, P.S. - Atri, District - Gaya
 15. Rajni Mala Wife Of Amrendra Kumar Mandal Resident Of Village - Narainpur, P.S. - Ghosi, District - Gaya
 16. Suman Sinha Wife Of Sadhu Prasad Resident Of Village - Karadih, P.S. - Silao, District - Gaya
 17. Anuradhna Singh Wife Of Sanjay Kumar Singh Resident Of Village - Diha, P.S. - Guraru, District - Gaya

.... Petitioners

Versus

1. The State Of Bihar , Through The Principal Secretary, Human Resources Development, Bihar, Patna
2. The District Magistrate, Gaya
3. The State Project Director, Bihar, Patna, Bihar Education Project Council, Beltron Bhawan, Shastrinagar, Patna
4. The District Education Officer, Gaya
5. The District Programme Officer (Establishment), Gaya
6. The District Programme Coordinator, Bihar Mahila Samakhya Society, Gaya

.... Respondents



Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar
For the Respondent/s : Mr. Yogendra Pd. Sinha
For B.E.P.C. : Mr. Girijesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-12-2017 Heard learned counsel for the petitioners and learned counsel for the respondents.

The petitioners in the present writ application have sought for quashing the Letter no.3 dated 04.01.2003, as contained in Annexure-5 to the writ petition, whereby and whereunder the services of the petitioners have been terminated by the Respondent no.5, who are holding the post of Night Guard in the 'Kasturba Gandhi Balika Vidyalaya', situated in different Blocks of Gaya District, since their appointments are of year 27.09.2007 on the ground that while appointments' guidelines issued by the State Level Office, as contained in Letter No.4637 dated 27.09.2007 was not complied with. Further to quash the advertisement as contained in Annexure-14, in the writ petition published in the daily 'Hindi Dainik Jagran' dated 16.02.2014, whereby and whereunder the applications have been invited for fresh appointment of Teacher, Warden, Night Guard, Orderly Peon, Cook etc. for 'Kasturba Gandhi Balika Vidyalaya' under the aegis of Bihar Education Project, Gaya, contrary to the Circulars issued time to time. Further to direct the respondents to reinstate them on



the ground that they were validly appointed to such posts after completing all the selection process adopted by the Appointing Authority.

The engagement of the petitioners is on contractual basis against the non-teaching posts under the Scheme of 'Sarva Shiksha Abhiyan' which is known as 'Kasturba Gandhi Balika Vidyalaya'.

Since the nature of engagement is such, no statutory right has accrued in favour of the petitioners, to hold the said post. In the circumstances, it is not required for this court to exercise power under Article 226 of the Constitution of India. The remedy of the petitioners lie under the common law but not under Article 226 of the Constitution of India as they are not holder of civil posts. If so advised, the petitioners may approach before the competent Civil Court by filing the suit for redressal of their grievances.

With the aforesaid observations and directions, the present writ application stands disposed of.

(Sudhir Singh, J)

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