

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4329 of 2012

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1. Sapna Gupta, Wife of Sri Manoj Kumar, Resident of Prakhand Colony, Ghosi, District Jehanabad.
 2. Girijesh Sharan, Son of Sri Santan Prasad, Resident of Village Mussi, P.S. Makhdumpur, District Jehanabad.
 3. Kumari Punam Sinha, Wife of Sri Om Prakash Prasad, Resident of Village Dihuri, P.S. Paras Bigha, District Jehanabad.
 4. Indu Kumari, Wife of Sri Surendra Prasad, Resident of Village Bandhuganj, P.S. Kako, District Jehanabad.
 5. Kumari Dipali, Wife of Sri Surendra Kumar Singh, Mohalla: Barni Road, Masaurhi, P.S. Masaurhi, District Patna.
 6. Punam Kumari, Wife of Sri Sanjay Kumar, Resident of Village Kasma, P.S. Paras Bigha, District Jehanabad.
 7. Arti Kumari, Daughter of Sri Mithilesh Sharma, Resident of Village Tineri, P.S. Masaurhi, District Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Director, State Project, Bihar Education Project Council, 5/5, Anandpuri, West Boring Canal Road, Patna- 800001.
3. District Magistrate-Cum-Chairman, Bihar Education Council, Jehanabad.
4. District Development Commissioner, Jehanabad.
5. District Education Officer, Jehanabad.
6. District Superintendent of Education-Cum-District Programme Coordinator, Bihar Education Project, Jehanabad.
7. District Programme Officer, Sarva Siksha Abhiyan, Jehanabad.

.... Respondents

Appearance :

For the Petitioners : Mr. Mukesh Kumar, Advocate.
For the State : Mr. Ajay Bihari Sinha, S.C. 19 and Seema Ghazala, A.C. to G.A. 8.
For the B.E.P.C. : Mr. Girijish Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 07-11-2017 Heard learned counsel for the petitioners and learned counsel for the respondents.

The following reliefs have been sought for by the



petitioners in the present writ application.

- “1 (I) For quashing the office order contained in Memo No. 185 dated 13.02.2012 issued under the signature of respondent no. 7 in pursuance of Letter No. 703 dated 03.02.2012 as issued by respondent no. 2 whereby and whereunder the appointments of the petitioners on different posts at Kasturba Gandhi Balika Vidyalaya, Jehanabad, Block-Jehanabad, have been cancelled without issuing any show cause to the petitioners;
(II) For quashing the Letter No. 703 dated 03.02.2012 issued by respondent no. 2 addressed to the respondent no. 7;
(III) For direction upon the respondent authorities to reinstate the petitioners in the service as per appointment and allow them to continue like other similarly situate candidates with all consequential monetary benefit.”

The engagement of the petitioners on teaching & non-teaching posts is a contractual engagement under the scheme i.e., ‘Sarv Shiksha Abhiyan’. The petitioners are not holder of civil post, thus, they have no such substantive right to continue on the posts.

Apart that, their appointments had been made in ‘Kasturba Gandhi Balika Vidyalaya’, Jehanabad, whereas, by that time, the said institution was not in existence even, the petitioners were appointed, 11 months prior to the establishment of the



institution.

Considering the nature of appointment of the petitioners, this Court is not inclined to invoke jurisdiction under Article 226 of the Constitution of India.

However, if so advised, the petitioners may file representation before the Secretary, Primary Education, Govt. of Bihar, Patna, for redressal of their grievances, who shall examine the claim of the petitioners in accordance with law, and pass a reasoned order within reasonable period.

The present writ application stands disposed of with the aforesaid observations and directions.

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(Sudhir Singh, J)

