

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23830 of 2012

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1. Manju Devi, W/O Ganesh Rai, resident of Village & Post Bordihhaturki P.S. Patepur, District – Vaishali.
 2. Vibha Kumari, W/O Ravi Bhushan Prasad, resident of Village Pepura P.O. Saidpur, Dumara, P.S. Patepur, District – Vaishali.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Primary Education, Govt. of Bihar, Patna.
3. The Director, State Pariyojna, Bihar, Education Project Council, Shiksha Bhawan, Rashtrahasha, Saidpur, Rajendra Nagar, Patna.
4. District Education Officer, Vaishali.
5. District Programme Officer, Surb Shiksha Abhiyan, Vaishali.
6. Block Education Officer, Vaishali.

.... Respondents

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Appearance :

For the Petitioners : Mr. Dharmendra Kumar Paswan, Advocate.
For the State : Mr. Umesh Narayan Dubey, A.C. to G.P. 27.
For the Bihar Education
Project Council : Mr. Girijesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-08-2017 A counter affidavit has been filed on behalf of the Bihar Education Project Council. Let it be kept on the record.

Heard learned counsel for the petitioners and learned counsel for the respondents.

In the present writ application, the petitioners have sought for the following relief(s):-

“I (I) For quashing of all the correspondent letters/ orders including the letter contained in Memo No. 4786 dated 19.09.2012 issued by the Director, State Pariyojna under Bihar Education Project Council Shiksha Bhawan, by which decision has been communicated to all concerned to the effect that since December 12 post of



Bal Didi working under Government decision/Scheme since 2003 for impact of Early Childhood Education for pre-School is being abolished without following any legal procedure and in colourable exercise of powers, infringing the fundamental rights of the petitioners guaranteed under the Constitution of India.

II. For not to give any effect to the letter/orders by which post of Bal Didi is being abolished and direct the respondents to allow the petitioners to continue them on the post with all consequential relieves.”

It has been submitted by learned counsel for the petitioners that engagement of the petitioners as Bal Didi or Lok Didi was part of the policy which was being run by Bihar Education Project Council. The vacancy of such establishment was reconsidered and the Project is abandoned, if not shut down, the engagement of the petitioners was on contractual basis. There can not be a direction to continue with the policy only to keep the petitioners busy and engaged under the respondents by way of contractual engagement under such scheme, no statutory or constitutional right close in favour of the petitioners.

Considering the aforesaid fact, the present writ application is dismissed.

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(Sudhir Singh, J)

