

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5269 of 2014

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1. Kumari Ratna Jha D/O Late Shashi Nath Jha Resident Of Village + P.O.
+ P.S. Singhiya, District Samastipur

.... Petitioner

Versus

1. The State Of Bihar
2. The District Education Officer, Samastipur
3. The District Programme Officer, Primary Education-Cum-Bihar
Education Project, Samastipur, P.O. + P.S. District Samastipur
4. The Director, Bihar Education Project Council, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh
For the Respondent/s : Mr. Girijesh
For B.E.P.C. : Mr. Rana B.N. Singh, SC to GA-10

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner in the present writ application has
challenged the order dated 17.01.2014 passed by the Director,
Bihar Education Project Council, Patna, by which the claim of the
petitioner for her reinstatement in service with back wages was
rejected.

The engagement of the petitioner is on contractual basis
under the Scheme of 'Sarva Shiksha Abhiyan' under the
institution which is known as 'Kasturba Gandhi Balika
Vidyalaya'.

Considering the nature of engagement, as such, no



statutory right has accrued in favour of the petitioner, as her engagement is on contractual basis. In the circumstances, it is not required to exercise power under Article 226 of the Constitution of India. The remedy of the petitioner lie under the common law but not under Article 226 of the Constitution of India. If so advised, the petitioner may approach by filing the suit before the competent Civil Court for redressal of her grievance.

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

(Sudhir Singh, J)

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