

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10167 of 2014

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Parween Kausar @ Perween Kausar wife of Arif Hasan Khan, Resident of
village- Kanhauli, P.S.- Mohiuddin Nagar, District- Samastipur

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Bihar Education Project Council, Govt. of Bihar, Patna
3. The Director, Education Department, Govt. of Bihar, Patna
4. The Director, Bihar Education Project Council, Govt. of Bihar, Patna
5. The District Magistrate, Samastipur
6. The District Superintendent of Education- cum- District Project Officer,
Samastipur
7. The Block Education Extension Officer, Mohiuddin Nagar, District-
Samastipur
8. The Block Development Officer, Mohiuddin Nagar, District-
Samastipur
9. The District Programme Co-ordinator, District- Samastipur
10. The District Education Project Officer, District- Samastipur
11. The Headmaster, Kasturba Gandhi Balika Vidyalaya, Mohiuddin Nagar,
District- Samastipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Siyaram Sahi, Advocate.
Mr. Md. Harun Quareshi, Advocate.
For the Respondent/s : Mr. Md. Naushaduzzola, AC to SC-1
Mr. M.N.H. Khan, SC-01

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-12-2017 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The following reliefs have been sought for on behalf of
the petitioners in the present writ application:-

- (I) For quashing the order of the Co-
ordinator Kasturba Gandhi Balika
Vidyalaya, Mohiuddin Nagar, Samastipur
contained in Memo No.28/K.G.B.V.
Mohiuddin Nagar dated 28.01.2014 by
which the petitioner has been most



- arbitrarily and quite discriminately reverted from the post of full time teacher (urdu) to the part time teacher i.e. on the post of her initial appointment.
- (II) For direction for quashing the letter no.167 dated 11.01.2013 by which he has restrained the District Co-ordinator Sarva Shiksha Abhiyan from giving extension in the post of full time teacher ignoring the fact that she has been duly selected absorbed/promoted on the post of full time teacher (urdu) with effect from 01.06.2009.
- (III) For direction restraining the respondents from interfering in the peaceful employment of petitioner as a full time teacher (urdu) Kasturba Gandhi Balika Vidyalaya, Mohiuddin Nagar, Samastipur.
- (IV) For grant of ad-interim stay of the operation of memo no.28/K.G.B.V. Mohiuddin Nagar dated 28.01.2014 issued by the Co-ordinator, K.G.B.V. Mohiuddin Nagar.

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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