

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5153 of 2014

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1. Sunita Devi Wife Of Shankar Prasad Kesri, Resident Of Village- Barachatti, P.S.- Barachatti, District- Gaya
 2. Vimla Devi Wife Of Ramparvesh Thakur Resident Of Village- Barheta Kanchanpur, P.S.- Bankey Bazar, District- Gaya
 3. Renu Devi Wife Of Anil Paswan, Resident Of Village- Telwari, P.S.- Kothi, District- Gaya
 4. Tinku Kumari Wife Of Raju Paswan, Resident Of Village- Narainpur, P.S.- Dumaria, District- Gaya
 5. Daulati Devi Wife Of Basudeo Thakur Resident Of Village- Dhaneta, P.S.- Bankey Bazar, District- Gaya
 6. Parmila Devi Wife Of Ashok Paswan Resident Of Village- Rampur, P.S.- Amas, District- Gaya
 7. Saroj Devi Wife Of Ranjit Paswan Resident Of Village- Tankuppa, P.S.- Tankuppa, District- Gaya
 8. Daulati Devi Wife Of Balgovind Manjhi, Resident Of Village- Diwra, P.S.- Amas, District- Gaya
 9. Abha Kumari Wife Of Late Upendra Kumar Resident Of Village- Vishunpur, P.S.- Guraru, District- Gaya
 10. Mamta Devi Wife Of Ujwal Kumar, Resident Of Village- Sherpur, P.S.- Gurua, District- Gaya
 11. Leela Devi Wife Of Dwarika Prasad, Resident Of Village- Roshanganj, District- Gaya
 12. Neera Devi Wife Of Anuj Prasad, Resident Of Village- Imamganj, P.S.- Imamganj, District- Gaya
 13. Kiran Devi Wife Of Surendra Parsad Resident Of Village- Delho, P.S.- Bankey Bazar, District- Gaya
 14. Sushma Devi Wife Of Deepak Kumar, Resident Of Village- Sahepur, P.S.- Tekari, 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

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate.
Mr. Sita Ram Prasad, Advocate.

For the Respondent : Mr. Asif Kalim, AC to AAG-12

For the 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 and 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 i.e. Night Guards under the Scheme of 'Sarva Shiksha Abhiyan' which is known as 'Kasturba Gandhi Balika Vidyalaya'.

Considering the nature of engagement, as such no statutory right has accrued in favour of the petitioners, as their engagements are on contractual basis. In the said circumstances, it is not required 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. 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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