

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14617 of 2013

- =====
1. Sunita Kumari W/o Ishwardhari Singh, Resident of Mohalla-LinePar, Mirzapur, Professor Colony, P.O.+P.S. Nawada and District-Nawada, worked as whole time warden cum Teacher, Kasturba Gandhi Balika Vidyalaya, Kawakole, Nawada.
 2. Sangita Kumari W/o Ujjawal Suman, Resident of village & P.O.-Baksanda Block & P.S.- Akharpur, District-Nawada, worked at whole time teacher, Kasturba Gandhi Balika Vidyalaya, Kawakole.
 3. Sultana Khatoon W/o Md. Sajid Hussain, Resident of village Paharpur, P.O. Madhurapur, P.S. & Anchal Kawakole, Dist.- Nawada, worked as whole time warden cum Teacher, Kasturba Gandhi Balika Vidyalaya, Kawakole, Nawada.
 4. Gayatri Devi W/o Late Kuldip Yadav, Resident of village-Bariarpur, P.O.-Kawakole, Dist.-Nawada, worked as Assistant Cook, Nawada, worked as whole time warden cum Teacher, Kasturba Gandhi Balika Vidyalaya, Kawakole, Nawada.

.... Petitioners

Versus

1. The State of Bihar
2. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rastra Bhasha Parishar, Saidpur, Rajendra Nagar, Patna
3. The District Magistrate, Nawada
4. The District Education Officer, Nawada
5. The District Programme Officer, Primary Education and Sarva Shiksha Abhiyan, Nawada.
6. The Block Education Extension officer, Kawakole block, Dist.- Nawada
7. The Head Master, Upgraded Middle School, Taraun, Block Kawakole, Dist.- Nawada
8. The Chairman, School Education Committee, Upgraded Middle School, Taraun, Block Kawakole, Dist.-Nawada
9. The Secretary, School Education Committee, Upgraded Middle School, Taraun, Block Kawakole, Dist.-Nawada
10. Bihar Seva Sansthan through its secretary, Dr. Saurabh Suman, Sewa Nagar, P.O. Gonawan, P.S. Sadar Nawada, Block and District-Nawada

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Gopal Bohra, Advocate.
For the Respondent/s : Mr. Parth Sharthi, SC to GA-4
For B.E.P.C. : Mr. Girijesh Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 04-12-2017

Heard learned counsel for the petitioners 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 dated 27.08.2012, contained in Memo No.495 issued by the Respondent No.6 (Block Education Extension Officer, Kawakole), in reference to Memo No.1558 dated 26.03.2012 of State Project Director, Bihar Education Project Council, Patna whereby and where under the decision of the Selection Committee dated 28.04.2012 of KGBV Kawakole taken under the Chairmanship of the Respondent No.5, with regard to cancellation of the appointment of the petitioners treating their appointment as illegal has been communicated.
- (II) For direction upon the Respondents to allow the petitioners to function on the post, they have been appointed/re-appointed by the Block Selection Committee headed by the Respondent No.5 in its meeting dated 12.06.2012 vide resolution No.3 in conformity with the direction of the Respondent No.2 communicated vide Memo No.1558 dated 26.03.2012.
- (III) For a further direction to Respondents to make payment of their due honorarium/Remunerations forthwith.

The engagement of the petitioners 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 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 by filing the suit before the competent Civil Court for redressal of their grievances.

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

(Sudhir Singh, J)

Amit/-

U			
---	--	--	--

