

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2093 of 2016
IN
Civil Writ Jurisdiction Case No. 21899 of 2014**

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1. Md. Mojamil Husain Son of Md. Mosaiyad Khan, Resident of Village-
Piparpati, Panchayat Donwar, Police Station- Jogapati, District West Champaran.
2. Tajma Khatun, Wife of Najre Alam and D/o Alauddin Ansari, Resident of
Village- Padaraun. P.s. Jogapatti, District- West Champaran.

.... Appellant/s

Versus

1. The State of Bihar through the District Magistrate, West Champaran.
2. The Chief Secretary, Department of Education, Government of Bihar.
3. The District Education Officer-cum-District Programme Officer, West
Champaran.
4. The Block Education Officer, Jogapatti Block west Champaran.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Anisur Rahman
For the State : Mr. Amrendra Kumar

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 08-01-2018

Seeking exception to an order passed on 13/07/2016
passed in CWJC No. 21899 of 2014, this appeal has been filed by the
petitioners under Clause 10 of the Letters Patent.

Petitioners were selected along with two other persons for
working in a Project school under a scheme. The school in which the
petitioners were engaged under the scheme was not functional and,
therefore, the petitioners were not given the benefit of appointment.
Challenging the same the writ petition was filed and the learned Writ



Court found that the school in which the petitioners was not identified under the scheme. The school itself was not made functional and, therefore, once the petitioners’ selection was with regard to use of man-power in a project under the scheme and when the man-power of the petitioners were not required under the scheme indulgence was not made.

In our considered view, as the appointment of the petitioners were not against any statutory post permanent in nature but it was only for a temporary scheme and if the scheme itself was not found being implemented in a particular institute for which the petitioners were selected, we see no reason to make any indulgence into the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr1./-

AFR/NAFR	NAFR
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