

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5951 of 2016

1. Ghazala Tazeem wife of Irfan Ahmed,
2. Gazala Parween Daughter of Md. Mohibbul HAque
3. Nazmeen Parween Daughter of Abdul Malik
4. Shagufta Naz Daughter of Abdul Allam
5. Kaunain Ahmad Son of Md. Daud All residents of Village Kakorwa, Post Office Qazitola Chaparia, Police Station Bisfi, District Madhubani, all posted at Prathmik Maktab Kakorwa, Police Station Bisfi, District Madhubani.
6. Shagufta Parween wife of Md. Sultan Resident of Village/Post Office Noorchak, Police Station Bisfi, District- Madhubani.
7. Nargis Khatoon wife of Md. Shamim residents of Village Kakorwa, Post Office Qazitola Chaparia, Police Station Bisfi, District Madhubani, both posted at Utkramit Urdu Madhya Vidyalaya, Noorchak, Police Station Bisfi, District- Madhubani.
8. Anzari Begum wife of Misbahul Haque
9. Shama Parween wife of Noorul Islam Both residents of Village/Post Office Aunsi, Police Station Bisfi, District- Madhubani and both posted as Prathmik Maktab Kanya, Aunsi, Post Office Aunsi, Police Station Bisfi, District- Madhubani.
10. Shagufta Yasmin wife of Md. Akbar Parwez Resident of Village Dhajwa, Police Station Bisfi, District- Madhubani, Posted at Utkramit Madhya Vidyalaya, Dhajwa, Police Station Bisfi, District- Madhubani.
11. Rizwana Khatoon wife of Md. Murtaza Resident of Village/Post Office Khairibanka, O.P. Aunsi, Police Station Bisfi, District Madhubani, Posted at Utkramit Madhya Vidyalaya Banka Kanya Urdu, Police Station Bisfi, District- Madhubani.
12. Tabassum Parveen wife of Md. Imtiyaz, resident of Village/Post Office Bhataura, Police Station Bisfi, District Madhubani, posted at Prathmik Maktab Bhataura, P.S. Bisfi, District Madhubani.
13. Md. Athar Eqbal Son of Md. Hafeez Resident of Village/Post Office Sadullahpur, O.P. Khrauni, Police Station Bisfi, District Madhubani, posted at Utkramit Urdu Madhya Vidyalaya, Sadullahpur, Post Kharauni, Police Station Bisfi, District Madhubani.
14. Parwaiz Alam Son of Sikandar Ali, Resident of Village Gajwa, Police Station Bisfi, District Madhubani, Posted at Prathmik Vidyalaya Gajwa, Police Station Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Secondary Education, Education Department, Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The District Education Officer, Madhubani.
5. The District Programme Officer (LITERACY), Madhubani.
6. The District Programme Officer (Sarva Shiksha Abhiyan), Govt. of Bihar, Madhubani.
7. The District Programme Officer (Establishment), Madhubani.
8. The Block Education Officer, Bisfi, Madhubani. Respondent/s



Appearance :

For the Petitioner/s : Mr. Dharendra Kr. Jha, Advocate
For the Respondent/s : Mr. GP18-Vivek Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 27-03-2018 Heard learned counsel for the petitioners and the counsel
appearing on behalf of the State.

Learned counsel for the petitioner submits that the petitioner is aggrieved by the order contained in letter dated 18.1.2016 whereby the petitioners have been removed from the post of Talimi Markaj.

Learned counsel for the petitioners submits that the action of the respondents in dispensing with the service of the petitioner is illegal, arbitrary and contrary to the guidelines.

Referring various Annexurers, he submits that the respondents after exercising due diligence appointed the petitioner as Talimi Markaj. This scheme was introduced with a view to engage the volunteers to encourage literacy among the class of citizens found backward in the matter of literacy.

Learned counsel for the petitioners submits that although the petitioners were appointed for a period of one year vide Annexure-1 but considering the satisfactory service of the petitioners the respondents have allowed the petitioners to continue. Referring to Annexure-4, he submits that the intention of the framer of the scheme was to allow the petitioners to



continue up to the age of superannuation i.e. as fixed as 60. He further submitted that the action of the respondents in terminating the service of the petitioners without applying the principle of natural justice and fair play is unsustainable.

Learned counsel appearing on behalf of the respondents has filed counter affidavit and referring to Annexure-A and to the counter affidavit, he submits that from Annexure-A and Annexure-2 it would be evident that the respondents were required to follow the guidelines contained in Annexure-A to the counter affidavit as well as Annexure-2 in the matter of engagement as Talimi Markaj. He submitted that in the case of the petitioners, respondents have on verification found that contrary to the guidelines contained in Annexure-2 the petitioners were engaged as Talimi Markaj and as such the respondents have taken decision to remove the petitioner.

Mr. Jha learned counsel for the petitioner submits that petitioners were engaged under the scheme as Talimi Markaj in the 2013. They were allowed to continue for approximately three years and thereafter without any enquiry and notice to the petitioner, the action of the respondents in terminating service of the petitioner referring to violation of the guidelines contained in Annexure-2 in the matter of engagement of the petitioner is



unsustainable. From the material available on record it is not clear that there was any enquiry conducted by the respondent to ascertain whether the appointment of the petitioner is contrary to the guidelines and in such enquiry whether the petitioner was granted opportunity to participate.

In view of the aforesaid, the court is unable to endorse the decision of the respondents contained in Annexure-6 and 6/1. The order contained in Annexure-6 and 6/1 is hereby quashed. However, liberty shall be available to the respondents to make enquiry in accordance with law after giving opportunity of hearing to the petitioners and in case the petitioners' engagement is found contrary to the guidelines contained in Annexure-1 the respondents are required to take appropriate decision.

In the result, the application is allowed to the extent that Annexure-6 and 6/1 is quashed. Respondents are directed to reinstate the petitioner with all consequential benefit within a maximum period of three months from today.

With the aforesaid, the writ application stands disposed of.

Ravi/-

(Anil Kumar Upadhyay, J)

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