

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20238 of 2014

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Anjani Kumari W/o Sanjay Kumar Mahto R/o Vill. Chand Chaur Mathurapur,
P.O. Mathurapur, P.S. Ujiyarpur, Dist. Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department,
Govt. of Bihar, Patna
2. The Director, Mass Education Joint Secretary, Deduction Department, Bihar,
Patna
3. The District Programme Officer, (Literacy), Samastipur
4. The Block Education Officer, Ujiyarpur, Samastipur
5. The Head Master cum Member Secretary, Shiksha Samiti, Govt. Middle
School, Chand Chaur Mathurapur, Block- Ujiyarpur, Dist.- Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 10-09-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondents.

The petitioner is aggrieved by the termination of her
services as Tola Sevak. The engagement of the petitioner was
under a scheme known as 'Akshar Anchal Yojana'. It is not a
regular post and as such there is no requirement to take steps to
ascertain as to whether the petitioner was appointed following the
selection process in accordance with the specific rule.

Learned counsel for the petitioner, referring to
Annexure-2, submits that the petitioner was appointed in terms of
the guidelines by the Committee comprising of the Headmaster of
the school, Secretary and Chairman of Sarva Shiksha Abhiyan.



Considering the fact that the post of Tola Sevak is under a scheme, it does not create any statutory right in favour of the petitioner on account of her selection under the scheme vide Annexure-2.

Learned counsel for the respondents submits that the Headmaster of the school has, in a most arbitrary manner, appointed the petitioner as Tola Sevak and as such there is no infirmity in the corrective action taken by the respondents.

In view of the above, the court does not find any merit in the claim of the petitioner with respect to termination.

However, in case the petitioner has worked, the respondents cannot deny salary/remuneration for the period she has worked. Thus, the respondents are under obligation to pay salary/remuneration for the period the petitioner has already worked.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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