

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6153 of 2016

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1. Smt. Soni Kumari, wife of Sri Suresh Prasad Sharma, resident of Village- Anwarpur East, Police Station-Hazipur Town, District- Vaishali.
 2. Smt. Kumari Arti Singh, wife of Sri Ramesh Singh, resident of Village- Bisunpur Paltu, Madarua, Police Station-Vaishali, District- Vaishali.
 3. Kiran Kumari, wife of Sri Chandradeo Prasad Yadav, resident of Village-Hidayatpur Katahara, Police Station-Goraul, District- Vaishali.
 4. Rinku Kumari, wife of Sri Mohan Kumar, resident of Village-Jedui, Hazipur, Police Station-Industrial Estate, Hazipur, District- Vaishali.
 5. Madhwi Kumari, wife of Sri Kashi Prasad, resident of Village- Bhagwanpur, Khujari, Police Station-Baligawn, District- Vaishali.
 6. Shobha Kumari, wife of Sri Gunjesh Savarnya, resident of Village- Katarmala, Goraul, Police Station-Goraul, District- Vaishali.
 7. Pushpanjali, daughter of Sri Nawal Kishore Kislaya, resident of Village- Bagdulhan, Police Station-Hazipur Town, District- Vaishali.
 8. Bibha Kumari, wife of Sri Shiv Shankar Singh, resident of Village Majazamma, Via-Desari Mahua, Police Station-Mahua, District- Vaishali.
 9. Sandhya Kumari, wife of Sri Kapildeo Rai, resident of Village- Mohanpur, via- Desari, Police Station-Jandaha, District- Vaishali.
 10. Nilu Kumari, wife of Sri Dharmendra Kumar, resident of Village- Mahua, Singhara, Police Station-Mahua, District- Vaishali.
 11. Sarita Kumari, wife of Sushil Kumar, resident of Village- Majirabad, Police Station-Goraul, District- Vaishali.

.... Petitioners

Versus

1. The Secretary to the Government of India, Ministry of Human Resources Development Department of School and Literacy.
2. The Director, Kasturba Gandhi Balika Vidyalaya, Government of India.
3. The State of Bihar, through the Secretary, Education Department, Government of Bihar, Patna.
4. The District Magistrate-cum-Chairman, Bihar Education Project, Vaishali.
5. The Director, State Project Council, Bihar, Patna.
6. The District Education Officer, Vaishali, District- Vaishali.
7. The District Programme Officer, Vaishali.
8. The Assistant Programme Officer, Vaishali.
9. The Block Education Officer, Goraul, District- Vaishali.
10. The District General Co-ordinator, Kasturba Gandhi Balika Vidyalaya, District- Vaishali.
11. The Block Education Officer, Cherakala, District- Vaishali.
12. The Block Education Officer, Jandaha, District- Vaishali.
13. The Block Education Officer, Deshari, District- Vaishali.
14. The Block Education Officer, Shahdeo Bujurg, District- Vaishali.
15. The Block Education Officer, Vaishali, District- Vaishali.
16. The Block Education Officer, Paterahi Belsar, District- Vaishali.
17. The Block Education Officer, Mahua, District- Vaishali.



.... Respondents

with

Civil Writ Jurisdiction Case No.6306 of 2016

Smt. Perween Kauser, C/o Arif Hasan Khan, resident of village-Kanhoul, Police Station-Mohiudin Nagar, District Samastipur.

.... Petitioner

Versus

1. The Union of India through the Director Kasturba Gandhi Balika Vidyalaya, Government of India.
2. The Under Secretary to the Government of India, Ministry of Human Resources Development of School Education and Literacy.
3. The State of Bihar through the Secretary, Education Department, Bihar, Patna.
4. The Director, State Project Council, Bihar, Patna.
5. The District Education Officer-cum-the District General Co-ordinator, Kasturba Gandhi Balika Vidyalaya, Samastipur.
6. The District Programme Officer, Samastipur.
7. The Block Development Officer, Mohiuddin Nagar, District Samastipur.
8. The Headquarter, Kasturba Gandhi Balika Vidyalaya, Mohiuddin Nagar, District Samastipur.

.... Respondents

with

Civil Writ Jurisdiction Case No.6180 of 2016

1. Kumari Vijay Laxami, wife of Sri Kumar Navina Nand Singh, resident of Mohalla- Shiv Puri, P.S. Saharsa Town, District- Saharsa.
2. Kumari Resham, wife of Sri K.K. Shandilya, resident of Mohalla-Kohara, Madanpur, Via-Dhabouli, P.S. Sour Bazar, District- Saharsa.
3. Pinki Kumari, daughter of Smt. Kendula Devi, resident of Mohalla-Nagarpalika Chowk, Gangjala, P.S. Saharsa Town, District- Saharsa.
4. Nutan Kumari, C/o Sudhir Kumar, resident of village-Patouri (Chandwesa), P.S. Bihra, District Saharsa.
5. Arti Kumari, wife of Sri Rupesh Kumar Jaiswal, resident of village-Nawhatta, P.S.- Nawhatta, District- Saharsa.
6. Rubi Kumari, wife of Sri Ajay Kumar, resident of mohalla-Sant Nagar, Ward No. 15, Gangjala, P.S. Saharsa Town, District Saharsa.
7. Indu, C/o Sanoj Kumar, resident of Mohalla Gandhi Path, Ward No. 8, in front of Ashok Cinema, P.S. Saharsa Town, District Saharsa.
8. Tanuja Kumari, Wife of Sri Binay Kumar Singh, resident of Mohalla-Saur Bazar, Meera Cinema Road, P.S. Saharsa Town, District Saharsa.

.... Petitioners

Versus

1. The Secretary to the Government of India, Ministry of Human Resources Development Department of School and Literacy.
2. The Director, Kasturba Gandhi Balika Vidyalaya, Government of India.



3. The State of Bihar, through the Secretary Education Department, Government of Bihar, Patna.
4. The Director, State Project Council Bihar, Patna.
5. The District Magistrate-cum-Chairman, Bihar Education Project, Saharsa.
6. The District Education Officer, Saharsa.
7. The District Programme Officer, Saharsa.
8. The Assistant Programme Officer, Saharsa.
9. The Block Education Officer, Sour Bazar Block, Saharsa.
10. The Block Education Officer, Satar Kataiya Block, Saharsa.
11. The Block Education Officer, Nauhatta Block, Saharsa.
12. The Block Education Officer, Banma Itahari Block, Saharsa.
13. The Block Education Officer, Sonbarsa Block, Saharsa.

..... Respondents

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with

Civil Writ Jurisdiction Case No.6039 of 2016

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1. Rupam Kumari, C/o Sri Niraj Kumar Mikshr, Resident of Village-Narhan, Police Station-Bibhutipur, District Samastipur.
2. Meera, Wife of Sri Ramesh Sharma, Resident of Village-Satapur, Via, Ujyarpur, Police Station-Ujyarpur, District Samastipur.
3. Rajan Kumari, Wife of Sri Jaishankar Prasad, resident of Village- Dih Dashahra, Police Station- Patori , District Samastipur.
4. Rinku Kumari, Wife of Sri Sanjeev Kumar, Resident of Village-Mohiuddin Nagar, Police Station-Mohiuddin Nagar, District Samastipur.
5. Geeta Kumari, C/o Ramadhar Ram, Resident of Village- Mazhisari, Via- Dalsingh Sarai, Police Station-Ujyarpur, District Samastipur.
6. Sarita Kumari, C/o Balmiki Prasad Singh, Resident of Village- Bathua Bujurj , Police Station Musarigharari , District Samastipur.
7. Sadhana Kumari, Wife of Sri Mukesh Kumar, Resident of Village-Dih Madhopur, Police Station- Madhopur, District Samastipur.
8. Nisa Kumari, Wife of Sri Rajnish Kumar Rai, Resident of Village-Jalapur, Police Station District Samastipur.
9. Smt. Kumari Pushpa, Daughter of Ramchandra Singh, Resident of Village Bandiha, District Samastipur.
10. Smt. Anita Kumari, Wife of Punit Kumar, Resident of Village-Narsingha, District-Samastipur.
11. Nutan Choudhary, C/o Rajeev Choudhary, Resident of Village-Chandauli, Police Station- Tajpur, District Samastipur.
12. Smt. Rekha Kumari, Daughter of Sri Suryanarayan Mahto, Resident of Village-Rebra (Ramnagar) via-Islam Nagar, Police Station-Khanpur, District-Samastipur.
13. Smt. Rinku Kumari, Widow of late Ram Mohan Thakur, Resident of Village-Hansopur, Via-Islamnagar, Police Station-Khanpur, District Samastipur.

..... Petitioners

Versus

1. The Union of India through the Secretary to the Government of India



Ministry of Human Resources Development Department of School and Literacy.

2. The Director, Kasturba Gandhi Balika Vidyalaya, Government of India.
3. The State of Bihar, through the Secretary Education Department, Government of Bihar, Patna.
4. The District Magistrate- Cum- Chairman, Bihar Education Project, Samastipur.
5. The Director, State Project Council, Bihar, Patna.
6. The District Education Officer, Samastipur, District-Samastipur.
7. The District Programme Officer, Samastipur.
8. The Assistant Programme Officer, Samastipur.
9. The General Co-ordinator, Kasturba Gandhi Balika Vidyalaya, Samastipur.
10. The Block Education Officer, Mohiuddin Nagar, Block, District-Samastipur.
11. The Block Education Officer, Cherehekala, District-Samastipur.
12. The Block Education Officer, Shivaji Nagar Block, District-Samastipur.
13. The Block Education Officer, Khanpur Block, District-Samastipur.

.... Respondents

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with

Civil Writ Jurisdiction Case No.8100 of 2016

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1. Kumari Uma Sinha, C/o Rajesh Kumar, resident of village-Tehta, P.S. Makhdumpur, District Jehanabad.
2. Asha Kumari, C/o Harihar Prasad, resident of village/ Mohalla near Moon Light Saloon, P.S. Makhdumpur, District Jehanabad.
3. Neelu Ranjan, C/o Baleshwar Sharma, resident of village-Bandhuganj, Ghoshi, P.S. Ghoshi, District-Jehanabad.
4. Sabita Kumari, C/o Sri Ajay Kumar, resident of Mohalla Bishnuganjpur, P.S. Jehanabad, District-Jehanabad.
5. Nisha Bharti, C/o Anil Kumar, resident of village-Bahri Begampur, Mandai, P.S. Chowk, District-Patna.
6. Mamta Kumari, C/o Shiv Nath Kumar, resident of Nand Bhawan, Mohalla Laljee Tola, P.S. Gandhi Maidan, Patna.

.... Petitioners

Versus

1. The Union of India, through the Secretary Government of India, Ministry of Human Resources Development Department of School and Literacy, New Delhi.
2. The Director, Kasturba Gandhi Balika Vidyalaya, Government of India, New Delhi.
3. The State of Bihar, through the Secretary, Education Department, Government of Bihar, Patna.
4. The Director, State Project Council Bihar, Patna.
5. The District Magistrate-cum-Chairman, Bihar Education Project, Jehanabad.
6. The District Education Officer-cum-District Programme Co-ordinator, Bihar Education Project, Jehanabad.



.... Respondents

with

Civil Writ Jurisdiction Case No.8074 of 2016

1. Sapana Kumari, wife of Murari Keshari, resident of Mohalla-Gandhi Path, behind Satsang Bhawan, Ward No.8., P.S. Saharsa (Town) and District Saharsa.
2. Rashmi Kumari, wife of Vikash Kumar Sah, resident of Mohalla Sarahi, Bengha Road, Ward No. 5, P.S. Saharsa (Town) District Saharsa.

.... Petitioners

Versus

1. The Union of India, through the Secretary to the Government of India, Ministry of Human Resources Development Department of School and Literacy.
2. The Director, Kasturba Gandhi Balika Vidyalaya, Government of India.
3. The State of Bihar, through the Secretary, Education Department of Bihar, Patna.
4. The Director, State Project Council Bihar, Patna.
5. The District Magistrate-cum-Chairman, Bihar Education Project, Saharsa.
6. The District Superintendent of Education-cum-District Programme Co-ordinator, Bihar Education Project Saharsa.
7. The Assistant Programme Officer, Saharsa.
8. The Block Education Officer, Simari Bakhtiarpur, Block Saharsa.

.... Respondents

with

Civil Writ Jurisdiction Case No.8058 of 2016

1. Swarnlata Sinha, wife of Sanjai Shankar Vidyarthi, resident of Village-Jhunathi Khurd, Post Office-Jhunathi, Police Station-Paras Bigaha Amain, District- Jehanabad.
2. Kumari Anuradha Singh, wife of Shailendra Kumar, resident of Mohalla- Ghatkan, Police Station-Kako, District- Jehanabad.
3. Nirmala Kumari, wife of Sudhir Paswan, resident of Village and Post Office Uler, Police Station- Ghoshi, District- Jehanabad.

.... Petitioners

Versus

1. The Union of India, through the Secretary, Government of India, Ministry of Human Resources Development, Department of School and Literacy.
2. The Director, Kasturba Gandhi Balika Vidyalaya, Government of India.
3. The State of Bihar, through the Secretary, Education Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna-800001.
4. The Director, State Project Council, Bihar, Patna.
5. The District Magistrate-cum-Chairman, Bihar Education Project, Jehanabad.



6. The District Education Officer-cum-District Programme Co-ordinator,
Bihar Education Project, Jehanabad.

.... Respondents

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with

Civil Writ Jurisdiction Case No.7266 of 2016

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1. Kalyani Kumari, D/o Sri Shankar Mishra, Village and Post- Rampur Dih, P.S.- Sakhund, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya, Kanjhia, Nath Nagar, District- Bhagalpur.
2. Madhumala Kumari, Wife of Sri Gopal Prasad Thakur, Village and Post- Sonbarsa, P.S.- Bihpur, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya- Narayanpur, District- Bhagalpur.
3. Pushpa Rani, D/o Sri Sitaram, Village and Post- Girdhari Lal Lane, Mirjanhat, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya, Goradih, District- Bhagalpur.
4. Kajal Kumari D/o Sri Bijay Shankar, Village and Post- Barhai Tola, Bhikhanpur, District- Bhagalpur, at Present posted at Kasturba Gandhi Balika Vidyalaya- Goradih, District- Bhagalpur.
5. Amrita Sah, D/o Sri Ajay Shankar, Village and Post- Barhai Tola, Bhikhanpur, District- Bhagalpur, at present posted at Kasturba Gandhi Balika Vidyalaya- Goradih, District- Bhagalpur.
6. Sweta Bharti, Wife of Sri Sahdeo Pathak, Village and Post- Bhagban Mahabir Path, P.S.- Nath Nagar, District Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya, Narayanpur, Manohar, District- Bhagalpur.
7. Shila Kumari, W/o Sri Ashoka Kumar Singh, Village and Post- Khankitta, P.S.- Sabour, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya Nathnagar, Kanjhia, District- Bhagalpur.
8. Bina Kumari, W/o Sri Pravin Kumar Mishra, Village and Post- Rangra, P.S.- Gopalpur, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya Rangra, District- Bhagalpur.
9. Tara Kumari Sinha, W/o Sri Rakesh Sinha, Village and Post- Simanpur, P.S.- Pirpainti, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya Simanpur, Pirpainti, District- Bhagalpur.
10. Munni Kumari, D/o Sri Sanjay Kumar, Village- Ramasi, P.O.- Sakrama, P.S.- Sanhaura, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya Sunhaura Arar District- Bhagalpur.
11. Anjana Kumari, W/o Sri Kundan Kumar Thakur, Village and Post- Rangara, P.S.- Gopalpur, District- Bhagalpur, at present posted at Kasturba Gandhi Balika Vidyalaya Rangara, District- Bhagalpur.
12. Bibha Kumari, D/o Sri Dipak Kumar, Village and Post- Simanpur, P.S.- Ishipur, District- Bhagalpur, at present posted at Kasturba Gandhi Balika Vidyalaya Pirpainti Simanpur, District- Bhagalpur.
13. Bimla Kumari, D/o Sri Shankar Prasad Sah, Village and Post- Arar, P.S.- Sanokhar, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya Sunhaura Arar, District- Bhagalpur.
14. Aprajita Kumari, W/o Prabhu Dayal Singh, Village and Post- Moul Tola, Pirpainti, P.S- Pirpainti District- Bhagalpur, at present posted at Kasturba Gandhi Balika Vidyalaya Pirpainti Simanpur, District-



Bhagalpur.

15. Juli Kumari, Wife of Sri Manoj Kumar Mishra, Village and Post- Arar, P.S.- Sanokhar, District- Bhagalpur at present posted at Kasturba Gandhi Balika Vidyalaya Narayanpur, District- Bhagalpur.

.... Petitioners

Versus

1. The Union of India through the Secretary, Ministry of Human Resources Development, Department of School Education and Literacy, Sastri Bhawan, New Delhi.
2. The Secretary, Ministry of Human Resources Development, Department of School Education and Literacy, Sastri Bhawan, New Delhi.
3. The Director Kasturba Gandhi Balika Vidyalaya, Government of India, New Delhi.
4. The State of Bihar through the Principal Secretary, Ministry of Human Resources Development, Education Department, Patna.
5. The State Project Director, Bihar State Project Council, Bihar Saidur, Rajendra Nagar, Patna.
6. The District Magistrate cum Chairman, Bihar Education Project, Bhagalpur.
7. The District Education Officer-cum-District Programme Co-ordinator, Bhagalpur.
8. The District Programme Officer, Primary Education and Sarb Siksha Abhiyan (SSA) Bhagalpur.
9. The Block Education Extension Officer, Nath Nagar Block Bhagalpur.
10. The Block Education Extension Officer, Goradih, Bhagalpur.
11. The Block Education Extension Officer, Rangra Chowk, Bhagalpur.
12. The Block Education Extension Officer, Narayanpur, Bhagalpur.
13. The Block Education Extension Officer, Pirpainti, Bhagalpur.
14. The Block Education Extension Officer, Sanhaura, Bhagalpur.

.... Respondents

Appearance :

(In CWJC No.6153 of 2016)

For the Petitioners	:	Mrs. Mahasweta Chatterjee, Advocate.
For the U.O.I.	:	Mr. S.D. Sanjay, Addl. S.G. and Mr. Kumar Priya Ranjan, C.G.C.
For the R.Nos. 4 & 5.	:	Mr. Girijish Kumar, Advocate.
For the State	:	Mr. Parth Sarthi, G.A. 4 and Mr. Mrigendra Kumar, A.C. to G. A. 4.
For the BEPC	:	Mr. Girijish Kumar, Advocate.

(In CWJC No.6306 of 2016)

For the Petitioner	:	Mrs. Mahasweta Chatterjee, Advocate.
For the Respondents	:	Mr. Devendra Kumar Sinha, A.A. G. 2.
For the BEPC	:	Mr. Girijish Kumar, Advocate.

(In CWJC No.6180 of 2016)

For the Petitioners	:	Mrs. Mahasweta Chatterjee, Advocate.
For the State	:	Mr. Nagendra Kumar, A.G. 9.
For the BEPC	:	Mr. Girijish Kumar, Advocate.
For the U.O.I.	:	Mr. S. D. Sanjay, Addl. S.C. and Mr. Shyam Bihari Singh, C.G.C.



(In CWJC No.6039 of 2016)

For the Petitioners : Mrs. Mahasweta Chatterjee, Advocate.
For the Respondents : Mr. Anjani Kumar, A.A.G. 6.
For the R.No. 1 : Mr. S.D. Sanjay, Addl. S.G. and Kanak
Verma, C.G.C.
For the BEPC : Mr. Girijish Kumar, Advocate.

(In CWJC No.8100 of 2016)

For the Petitioners : Mrs. Mahasweta Chatterjee, Advocate.
For the Respondents : Mr. Santosh Kumar Jha, G.P. 3.
For the BEPC : Mr. Girijish Kumar, Advocate
For the U.O.I. : Mr. S.D. Sanjay, Addl. S.G. and Mrs. Chhaya
Mishra, C.G.C.

(In CWJC No.8074 of 2016)

For the Petitioners : Mrs. Mahasweta Chatterjee, Advocate.
For the Respondents : Mr. Kaushal Kr. Jha, A.A.G. 14.
For the BEPC : Mr. Girijish Kumar, Advocate.
For the U.O.I. : Mr. S.D.Sanjay, Addl. S.G. and Mr. Shyam
Bihari Singh, C.G.C.

(In CWJC No.8058 of 2016)

For the Petitioners : Mrs. Mahasweta Chatterjee, Advocate.
For the Respondents : Mr. Kumar Alok, S.C. 8.
For the B.E.P.C. : Mr. Girijish Kumar, Advocate.
For the U.O.I. : Mr. S.D.Sanjay, Addl. S.G. and Mr. Alok
Kumar Jha, C.G.C.

(In CWJC No.7266 of 2016)

For the Petitioners : Mr. Nand Gopal Mishra, Advocate.
For the Respondents : Mr. Kinkar Kumar, S.C. 27.
For the U.O.I. : Mr. Arvind Kumar Tiwary, C.G.C.
For the B.E.P.C. : Mr. Girijish Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
CAV ORDER

3 27.02.2018 In all these writ petitions, facts and issues are almost identical, therefore, by this common order, they are being disposed of.

The petitioners are aggrieved by the part of the order contained in Memo No. KGVV/40/2008-09/ 835 dated 16.02.2016, by which the Director, Bihar Education project Council (Respondent No. 5) has communicated the decision taken in 77th meeting of State Executive Committee of the Bihar



Education Project Council, as to make change the name of the post of 'Part Time Teacher' as 'Vocational Training Instructors' and further holding the said post as a 'Dying Cadre', having its purport that with the removal of the incumbent, the post would be automatically abolished.

It is evident from the letter of appointment brought on record that the petitioners being appointed on the post of 'Part Time Teacher' in "Kasturba Gandhi Balika Vidyalaya' for a period of one year on contractual basis subject to further extension by the Selection Committee. After their initial appointment made on the post of 'Part Time Teacher' they had been continuing on the post by virtue of extension of contractual period by the Selection Committee.

In the meantime, in the 77th meeting of the State Executive Committee of Bihar Education Project Council decided to change the designation of the post 'Full Time Teacher' as 'Part Time Teacher' and earlier 'Part Time Teacher' as 'Vocational Training Instructor'.

Before discussing the issue in question, in my opinion, it would be relevant to take note of the background of the Institution i.e. 'Kasturba Gandhi Balika Vidyalaya'. The 'Kasturba Gandhi Balika Vidyalaya' (hereinafter referred to as K.G.B.V.) Scheme



was launched by the Government of India in August, 2004 for setting up residential School at upper primary level for girls belonging predominantly SC, ST, OBC and Minorities, in difficult areas. Initially, it was running as a separate Scheme but with effect from 1st April, 2007 it merged with the 'Sarve Shiksha Abhiyan'(hereinafter referred to as S.S.A. Programme). With coming into force of Right to Education Act, 2009 with effect from 1st April, 2010, opening of K.G.B.Vs. has been extended to all educationally backward Blocks with rural female literacy below the national average as per Census, 2001. The objective behind opening of K.G.B.V. is to ensure access and quality education to the girls from disadvantaged group by setting up residential schools at upper primary level.

As per the guidelines of the Government of India, the S.S.A. State Implementation Society will be the implementing agency of K.G.B.V. at State Level, therefore, funds made available as to run such Institutions are routed through the S.S.A. Society of the State. The funding pattern of the Central Government/State/Union Territories for the K.G.B.V. Scheme will be the same as per the 'Sarva Shiksha Abhiyan', as it is a component of S.S.A. with effect from 1st April, 2007. The Government of India directly releases funds to the S.S.A. State



Implementation Societies. The State Government also releases its share to the State Implementation Societies.

The initial engagement of the petitioners was made as 'Part Time Teacher' which subsequently renamed as 'Vocational Training Instructors'. Such engagement was contractual in nature under the scheme of S.S.A., in 'Kasturba Gandhi Balika Vidyalaya. Any dispute relating to their initial contractual appointment/extension of contractual period, and any change in the service conditions cannot be a subject matter of writ jurisdiction of this Court. Since the appointment of the petitioner is admittedly contractual in nature, therefore, the petitioners are not entitled to get any protection under Article 311 or any other provisions under the Constitution of India. They cannot claim similar kind of protection as available to the State Employees. The petitioners being appointed by the Bihar Education Project Council, which is a registered society under the Societies Registration Act for implementation of objectives of 'Sarva Shiksha Abhiyan'. The petitioners being not a civil servant of the State, therefore, they cannot claim any protection by Article 311 of the Constitution of India. The petitioners have no such substantive right to continue on the post beyond the terms and conditions of their contractual appointment, as also, after expiry of



the contractual period with any extension made by the Selection Committee. Therefore, no mandamus can be issued for enforcement of a non-existent right.

In all these writ petitions, the petitioners are aggrieved by the decision taken in the 77th meeting of the State Executive Committee dated 08.01.2016 of Bihar Education Project Council, by which the post of 'Part Time Teacher' being re-named as 'Vocational Training Instructors' and the said post being held as Dying Cadre.

In view of the observations and discussions made above, especially taking into consideration of the nature of engagement/appointment of these petitioners i.e. contractual appointment, under a scheme launched by the Government of India, in 'Kasturba Gandhi Balika Vidyalaya', I am of the considered opinion that such dispute relating to the service conditions of the petitioners is not amenable to the writ jurisdiction under Article 226 of the Constitution of India.

These writ petitions are therefore, accordingly, dismissed.

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(Sudhir Singh, J)

