

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1258 of 2016

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Rita Devi, W/o Late Dilip Mehta resident of Bishaharia Patti (Tonha) Ward
No.2, P.S.- Bhargama District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, the Midday Meal Scheme Bihar, Patna.
2. The District Magistrate, Araria.
3. The Incharge Officer, Midday Meal Scheme, Araria.
4. The Regional Deputy Director of Education, Purnea.
5. The District Education Officer, Araria.
6. The Block Education Extension Officer Bhargama District Araria.
7. The Head Master Utkramit Middle School, Baggha Laxmipur, P.S. Bhargama, District- Araria.
8. The Secretary, Vidhyalaya Siksha Samiti Utkramit Middle School Baggha Laxmipur P.S. Bhargama, Dist Araria.
9. Nirmal Devi W/o Dharendra Mandal Resident of Village- Bishaharia Patti, Tola Tonha, P.S.- Bhargama, Dist- Araria.
10. The Director Mid Day Mead Scheme, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anil Prasad Singh
For the State : Mr. Subhash Chandra Mishra, SC-16
For the Respondent-M.D.M. : Mr. Girijesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-09-2018 The present writ petition has been filed for setting aside the appointment of the respondent no. 9 as Cook-cum-Assistant under Utkramit Middle School, Bagha Laxmipur, P.S.- Bhargama, District-Araria. It is further prayed to appoint the petitioner herein on the said post.

At the outset, the learned counsel for the respondents has submitted that the present writ petition is not maintainable inasmuch as the appointment being challenged is for a contractual



period under the Scheme of Mid Day Meal. It is submitted that in similar circumstances, this Court has held that no writ petition is maintainable under Article 226 of the Constitution of India in cases of contractual appointment made for a particular Scheme.

The learned counsel for the respondents has referred to a judgment dated 21.04.2011 passed in CWJC No. 14600 of 2010 as well as a judgment dated 24.04.2014 passed in L.P.A. No. 392 of 2012 and other analogous cases as upheld by the Hon'ble Apex Court by an order dated 01.08.2014.

In view of the aforesaid, this Court is of the opinion that the present writ petition is not maintainable, hence the same is dismissed. However, the petitioner, if so advised, may take recourse to such remedies as are available under the law.

(Mohit Kumar Shah, J)

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