

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.772 of 2018
IN
Civil Writ Jurisdiction Case No. 3338 of 2018

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1.Ranjeet Kumar son of Late. Ram Sagar Singh R/o-Bihat, Tola-Maksaspur, P.S-Barouni, Dist-Begusarai.

2.Ram Kumar son of Dev Narayan Sah, R/o Ward No.09, Rahika, P.S.-Rahika, Distt and Town- Madhubani.

.... Appellant/s

Versus

1.The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.

2.The Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.

3.The Director, Primary Education Department, Govt. of Bihar Patna.

4.The Bihar Education Project Council through the State Project Director.

5.The State Project Director, the Bihar Education Council Bihar at Patna.

.... Respondent/s

with

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Letters Patent Appeal No. 725 of 2018
IN
Civil Writ Jurisdiction Case No. 497 of 2018

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Rajiv Kumar Mishra, son of Sri. Narsingh Mishra, R/o village and Post-Bharpurwa, P.S.-Vijayipur, District-Gopalganj.

.... Appellant/s

Versus

1.The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, New Secretariat, Patna.

2.The Principal Secretary, Human Resources Department, Govt. of Bihar, New Secretariat, Patna.

3.The Director, Primary Education Department, Govt. of Bihar, New Secretariat, Patna.

4.The Director, Research and Training Council (Education),Bihar, Patna.

5. The State Project Director, the Bihar Education Council,Shiksha Bhawan, Rastrabhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna.

.... Respondent/s

with

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Letters Patent Appeal No. 868 of 2018
IN
Civil Writ Jurisdiction Case No. 1463 of 2018

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1. Vivek Kumar, Son of Mahendra Sah, Resident of At- Anant Karja, P.O. & P.S.- Karja, District- Muzaffarpur.

2. Md. Akil Ahmad, Son of Md. Kamrul Hoda, At- Katahan, P.O.- Barkagaon, P.S.- Karja, District- Muzaffarpur.



.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. Principal Secretary, Education Department, Government of Bihar, Patna.
3. Director, Research & Training Council (Education), Bihar, Patna.
4. State Project Director, Bihar Education Project Council, Patna.

.... Respondent/s
1st Set

5. Mukesh Kumar, Son of Jaynandan Prasad Singh, At Ayachi Gram Road No.- 7, East, North of Bairiya Bus Stand, P.O.- M.I.T., P.S.- Ahiyapura, District- Muzaffarpur.
6. Fakhruddin Ali Ahmad, Son of Md. Sharfuddin, At + P.O.- Megwal Mathia, P.S.- Ramnagar, District- West Champaran.
7. Shashi Ranjan Kumar, Son of Shyam Nandan Bhagat, Village- Dhodhi Ratan, P.O.- Keshrawan, P.S.- Kurhani, District- Muzaffarpur.
8. Rakesh Kumar, Son of Sri Suresh Ray, At- Mirjapur, P.O.- Srisia, P.S.- Kanti, District- Muzaffarpur.

.... Respondent/s
2nd Set

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Appearance :

(In LPA No.772 of 2018)

For the Appellant/s : Mr. Mukesh Kumar, Adv.
For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG15
For the Respondent BEPC: Mr. Lalit Kishore, Sr. Adv. (AG)
Mr. Girish Kumar, Adv.

(In LPA No.725 of 2018)

For the Appellant/s : Mr. Mrigank Mauli, Adv.
Mr. Prince Kumar Mishra, Adv.
Mr. Sanket, Adv.
For the Respondent/s : Mr. Md.Khurshid Alam -AAG12
For the Respondent BEPC: Mr. Lalit Kishore, Sr. Adv. (AG)
Mr. Girish Kumar, Adv.

(In LPA No.868 of 2018)

For the Appellant/s : Mr. Abhinav Srivastava, Adv.
For the Respondent/s : Mr. Ashutosh Ranjan Pandey- AAG15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 17-07-2018

Challenge in the present Letters Patent Appeals is to the
common judgment dated 16.05.2018 passed by the learned writ Court



in Civil Writ Jurisdiction Case No.1463 of 2018 and Civil Writ Jurisdiction Case No.497 of 2018.

The learned writ Court has been pleased to dismiss the writ applications while refusing to quash Clause 2.2.1 'Cha' and 3.2.1 'Cha' contained in the guidelines of the selection and duty of Block Resource Person (B.R.P) and Cluster Resource Centre Coordinator (CRCC).

The learned writ Court having gone through the materials available on record and the pleadings of the parties found that the parties have conceded that on deputation the teachers are not entitled to any monetary benefit which they may suffer on account of rendering them ineligible for the selection. The learned writ Court found that the original position of the petitioners as Niyojit Shikshak is not adversely affected and as such they cannot claim that they should be retained as 'BRPs' and 'CRCCs'.

The learned writ Court found that when the competent authorities took a view that at certain block and cluster the performance was not up to the mark, therefore, the respondents have now made a departure and introduced 2017 Guideline. The learned writ Court noted that in the totality of the circumstances, the scope of judicial review in these matters cannot be extended to find out the adequacy or inadequacy of the materials based on which the Guideline



of 2017 have been introduced.

Before us, learned counsel representing the appellants has challenged the impugned order of the learned writ Court arguing that once the learned writ Court found that the change introduced in the Guideline of 2017 has got some distinctive feature without there being any policy decision supported by study, research and scrutiny of data, the writ Court was required to hold and declare that the provisions introduced in the new guideline are arbitrary and bad in law.

On the other hand, learned counsel representing the State submits that the petitioners who are challenging the Guideline, 2017 are the Niyojit Shikshak and they cannot claim their deputation or engagement as BRPs or CRCCs as a matter of right. It is stated that the selection of BRPs or CRCCs from amongst the teachers is not a selection against civil post. It does not confer any monetary benefit on the teachers and it is the nature of a tenure engagement, therefore, the petitioners cannot claim either to get selected to the post of BRPs or CRCCs or retain the post and continue there. Learned counsel supports the judgment of the learned writ Court and submits that the whole contention of the appellants is based on misconceived premises.

Having heard learned counsel for the parties and upon



perusal of the records, we find that the engagement of the BRPs and CRCCs is not in the nature of any appointment to a civil post. Work of BRPs and CRCCs does not carry any monetary benefit and they are selected from amongst the teachers only. The petitioners are the Niyojit Shikshak and having worked for a particular period as BRPs and CRCCs they have not acquired any right to claim their repeated selections and continuations on the said post. The guidelines brought in the year, 2017 is based on certain experience of the organization and in order to improve the quality of education if they have come with a decision that those who have either worked or are working as BRPs and CRCCs shall not be eligible for selection, we do not find any reason to interfere with the same. Such provision cannot be said to be discriminatory in nature.

We do not find any merit in these Letters Patent Appeals and are, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	
CAV DATE	
Uploading Date	24.07.2018
Transmission Date	

