

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5024 of 2019

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Ganga Tatiya Vikas Sansthan (GTVS) through the Secretary Randhir Kumar Singh @ Randhir Kumar (M), aged about 46 years, Registered Office at Lakshmipur Kakadhiya, P.O. and P.S.-Dighwara, District-Saran at Chapra-841207

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna
3. The Director Bihar Education Project Council, Education Department, Government of Bihar, Shiksha Bhawan, Saidpur, Rajendra Nagar, Patna-800004
4. The District Magistrate Saran
5. The District Education Officer Saran
6. The District Programme Officer (Establishment) Saran
7. The District Programme Officer Primary School and Sarb Shiksha Abhiyan, Saran
8. The Union of India through the Secretary, Ministry of Human Resources Development Department, New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar, Adv.
For the Respondent/s : Mr.Girijish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-03-2019 This writ application has been preferred for following

reliefs:-

“A. For issuance of an appropriate writ/writs in the nature of mandamus to set aside or quash the Memo No.KGBV/74/2008-09/6783 dated 19.11.2018 issued by the Additional Chief Secretary, Education Department, Government of Bihar whereby and where-under the respondent authority, mechanically without giving reasonable opportunity of hearing to petitioner taken an unilateral decision to relieve or take over from the petitioner operation &



management of Kasturba Gandhi Balika Vidyalya (in short KGBV) effective from the end of financial year 2018-19 and further said respondent authority also made direction not to renew the agreement with petitioner regarding the operation & management of KGBV afterward from 31.03.2019.

B. For direction to grant stay on operation of Memo No. KGBV/74/2008-09/6783 dated 19.11.2018 issued by the Additional Chief Secretary, Education Department, Government of Bihar till the disposal of the present writ application keeping in view that petitioner who continuously providing unselfish service with respect to operation & management of KGBV since more than decades without any complain and respondent authority taken aforesaid decision in complete violation of natural justice.

C. For direction to the respondent authority to allow the petitioner to participate in operation & management of KGBV, Sonpur and Jalalpur situated in Saran District keeping in view of petitioner previous track record in which several award and miles stone achieved by the petitioner in due discharge of aforesaid work.

D. And for any other reliefs/reliefs for which the petitioner are found to be entitled under the provision of law involved in the present case.”

Learned counsel for the petitioner submits that vide letter no.172 dated 06.02.2006 issued by the District Education Officer-cum-District Programme Coordinator, Sarb Shiksha Abhiyan, Saran, as contained in Annexure-3 to the writ application, the petitioner was selected for management and other works in Kasturba Gandhi Balika Vidyalya (in short ‘KGBV’) under Sonpur Block. Similarly, the petitioner was entrusted with the operation and management of KGBV, Jalalpur, Saran. The petitioner has given uninterrupted



performance since then. It is stated that for effective implementation of Samagra Shiksha Abhiyan, an integrated scheme for school education and assessment of work done by NGOs with respect to operation and management of KGBV a provision for enquiry is prescribed by constituting the three men committee. Accordingly, the District Programme Officer, Saran vide his letter no.1085 dated 20.08.2013 constituted a three men committee for enquiry of KGBV, Jalalpur and Sonpur, Saran. The said Committee submitted a report dated 22.09.2018 as contained in Annexure-6 series to the writ application. It is submitted that no irregularity was found by the team constituted for this purpose.

It is the contention of the petitioner that even though the petitioner has rendered satisfactory service, the respondent authorities have acted mechanically and without giving reasonable opportunity of hearing to the petitioner has taken a decision to relieve him and take over the operation and management of the aforesaid KGBV effective from the end of financial year 2018-19 and there is a direction not to renew the agreement with the petitioner regarding the operation and management of KGBV after 31.03.2019.

Learned counsel for the State has opposed the writ



application as according to him it is nothing but a kind of hindrance being created by the petitioner in effective implementation of the policy decision of the government to manage those schools in similar manner through the School Education Committee (Vidyalaya Siksha Samiti) as is being done in other KGBVs. Learned counsel submits that from perusal of Annexure-7 to the writ application it will appear that agreement period of all the NGOs except KGBV (Tetia Bamber School) falling under Munger district had already expired, therefore if the Council has taken a decision to manage those schools through Vidyalaya Siksha Samiti like other schools no fault may be found with the decision as indicated in Annexure-7. It is further submitted that the petitioner has purposely not enclosed copy of the agreement with the writ application.

In course of hearing, this Court called upon learned counsel for the petitioner to show as to whether there is any existing agreement in favour of the petitioner. Learned counsel for the petitioner admitted at the bar that there is no existing agreement at this stage. This Court has also given an opportunity to learned counsel for the petitioner to show as to whether petitioner has got any legal right to continue with the agreement in similar manner. Again the reply of learned counsel



for the petitioner is in negative. Thus, it is apparent that the petitioner has neither any legal right nor any contractual right to claim continuation of his engagement.

This Court finds that there is a policy decision in Annexure-7 to the writ application wherein it has been decided to manage and operate those KGBVs where the NGOs are operating and managing in similar manner through Vidyalaya Siksha Samiti as is being done in other KGBVs. The decision taken vide Annexure-7 to the writ application cannot be said to be illegal or arbitrary. It is also not a case of violation of principles of natural justice because admittedly the petitioner has no existing agreement rather it appears that without there being any existing agreement the petitioner has continued. In such a situation, the petitioner cannot claim an opportunity of hearing.

This writ application has, thus, no merit. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

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