

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12379 of 2018

1. Syed Izhar Ashraf and Ors S/o Syed ADil Ashraf R/o Village- Ashraf Chak west, P.O.- Simri Bakhtiarapur, P.S.- Simri Bakhtiarapur, District- Saharsa
2. Majubi Praveen W/o Md. Sadir R/o Village- Khojuchak, Post- Sonpura Panchayat Sonpura, P.S.- Simri Bakhtiyarpur, District- Saharsa
3. Bibi Sabnam Begam W/o Md. Inamul Haq R/o Village- Sitanabad, Bichhla Tola, P.O.- Sitanabad North, P.S.- Simri Bakhtiyarpur, District- Saharsa.
4. Shaista Praveen W/o Md. Javed Alam Ansari R/o Village- Bakhtiyarpur Basti Igah Tola, Post- Simri Bakhtiyarpur, P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Regional Deputy Director Education, Koshi. Saharsa
3. The District Magistrate, Saharsa, District- Saharsa
4. The District Program Officer, District- Saharsa.
5. The Block Development Officer, Simri Bakhtiyarpur
6. The Block Education Officer, Simri Bakhtiyarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr.Prabhat Ranjan Singh, AC to AAG 15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

The petitioners are aggrieved by the order contained in letter dated 26.5.2018, Annexure-1 to the writ petition, whereby the petitioners have been removed from the post of Talimi Markaj.

Learned counsel for the petitioners submits that the action of the respondents in dispensing with the service of the petitioner is illegal, arbitrary and contrary to the guidelines. Referring various Annexures, he submits that the respondents after exercising due diligence appointed the petitioner as Talimi



Markaj. This scheme was introduced with a view to engage the volunteers to encourage literacy among the class of citizens found backward in the matter of literacy.

Learned counsel for the petitioners submits that although the petitioners were appointed for a period of one year but considering the satisfactory service of the petitioners the respondents have allowed the petitioners to continue. He further submits that the intention of the framer of the scheme was to allow the petitioners to continue up to the age of superannuation i.e. as fixed as 60. He further submitted that the action of the respondents in terminating the service of the petitioners without compliance of the principle of natural justice and fair play is unsustainable.

Since the petitioners were engaged under the scheme as Talimi Markaj in the 2013. They were allowed to continue for approximately three years and thereafter without any enquiry and notice to the petitioner, the action of the respondents in terminating service of the petitioner referring to violation of the guidelines contained in Annexue-2 in the matter of engagement of the petitioner is unsustainable. From the material available on record it is not clear that there was any enquiry conducted by the respondent to ascertain whether the



appointment of the petitioner is contrary to the guidelines and in such enquiry whether the petitioner was granted opportunity to participate.

In view of the aforesaid, the court is unable to endorse the decision of the respondents contained in Annexure-1. The the order contained in Annexure-1 is hereby quashed. However, liberty shall be available to the respondents to make enquiry in accordance with law after giving opportunity of hearing to the petitioners and in case the petitioners' engagement is found contrary to the guidelines the respondents are required to take appropriate decision.

In the result, the application is allowed to the extent that Annexure-1 is quashed. Respondents are directed to reinstated the petitioner with all consequential benefit within a maximum period of three months from today.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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