

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18582 of 2017

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1. Vivek Kumar Rai and Anr S/o Bhrigunath Rai, R/o Village- Sher, P.S.- Sidhwalia, Gopalganj.
 2. Sikandar Kumar Chaurasia, S/o-Late Buni Lal Chourasia, Resident of Village-Sareya, Ward No.-4, P.O.P.S.Dist.-Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Director Vigilance Department Govt. of Bihar, Patna.
5. The District Appellate Authority, Gopalganj
6. District Education Officer, Gopalganj
7. District Programme Officer Establishment, Gopalganj
8. District Panchayati Raj Officer, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mithilesh Kumar Upadhyay
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey - Aag-15

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 15.12.2017 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following relief/s:

“For direction to the Director Primary
Education Bihar Patna to enquire the education scam in



the matter of selection of almost 200 candidates on the post of Panchayat/Block Teachers within the district of Gopalganj which have been done illegally with the collusion of officials of Education Department, Panchayat Employment Agency as well as District Teacher Appellate Tribunal whereby and whereunder persons even not in the merit list of 2006 panel have been appointed in the year 2015 that too when in the mean time three phases of selection process have been completed and persons have joined the post and hence reopening of 2006 process will cause heavy loss in the tune of Bihar which can't be allowed to be misused by the officials in collusion with person whose right to be appointed have been ceased in the year 2007 itself as soon as 1st phase selection process ended in 2007 itself And/or for any other order/orders may be passed in the facts and circumstances of the case.”

We find the present petition to be totally misconceived for it cannot be said that right of being gainfully employed is a fundamental right. The petition is not maintainable at the instance of the present petitioner.

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioners shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a



period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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