

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5947 of 2020

1. Sunil Kumar son of Krishna Prasad resident of Mohalla Gandhi Nagar Jehanabad, P.S.- Jehanabad, District- Jehanabad.
2. Ranjit Kumar son of Satendra Prasad Yadav resident of Village- Mayapur, P.S.- Goh, District- Aurangabad.

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary Ministry of Education, Shastri Bhawan, New Delhi.
2. The Central Board of Secondary Education through Chair Person Shiksha Kendra- 2 Community Centre Preet Bihar, New Delhi.
3. The Secretary the Central Board of Secondary Education Shiksha Kendra- 2 Community Centre Preet Bihar, New Delhi.
4. The President of DAV School Managing Committee Chitra Gupta Road New Delhi 55.
5. The Regional Officer DAV Public Schools Bihar Zone II Cant Area Gaya.
6. The Assistant Regional Officer, Lalganj Itari Road Buxar.
7. The Head Master DAV Public School Near BMP Campus, Nandan Dera Dumraon Buxar.
8. The State of Bihar through the Principal Secretary Department of Human Resources Govt. of Bihar, Patna.
9. The District Education Officer, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nand Kishore Prasad Sinha, Advocate
For Respondent No. 7	:	Mr. Anil Kumar Singh, Advocate
		Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Pramod Kumar Singh, AC to Sc-16

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 13-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioners have prayed for
following reliefs:

“1. That this is an application
for issuance of an appropriate writ order or



direction for quashing the letter dated 1-12-2019 issued under the signature of the Director DAV College Managing Committee Directing the Regional Officer DAV Public Schools Bihar Zone B Gaya as contained in Annexure-6 whereby and whereunder the computer teachers who were appointed on regular basis and does not possessed the degree of B.Ed degree be discontinued on the competition of the current academic Sessions as per the revised criteria of appointment of computer Teachers as per Appendix VII of Affiliation Bye laws 2018 and also the communication in pursuance there of a letter dated 1-12-2019 issue to the petitioners under the signature of Head Master DAV Public School Dumaraon as contained in Annexure-7 and 7/1. Where by and where under the services of the petitioners as TGT PRT teacher in computer science in the DAV public School Duraon will be discontinued with effect from 1-4-2020 as the petitioner is not possessing the B.Ed Degree as per the guide line of the DAV CMC New Delhi and their services after completion of current academic sessions 2019-2020 without any basis after a lapse of 7 years of continued service in the school and as such the action of the Respondent is arbitrary in nature and is not purmissible in law and thus vitiated and a Prayer is also made to direct the Respondents to allow the petitioner to continue in their services in the Schools.”

3. Undisputedly, petitioner’s grievance is against private institution/management and it will not fall under Article 12 of the Constitution of India. Therefore, the present petition is not maintainable under Article 226 of the Constitution in the



light of the Apex Court’s decision rendered in *Radhey Shyam Vs. Chhabi Nath* reported in *(2015) 5SCC423*.

4. Accordingly, the instant petition stands dismissed
reserving liberty to the petitioner to resort appropriate forum.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2021
Transmission Date	

