

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11750 of 2018

1. Anil Kumar and Anr S/o Bishnudev Bhindawar, Resident of Ward No.6, Sugapatti, P.S.- Phulparas, District- Madhubani at present psoted Assistant Teacher, Primary School Suggapatti Rai Tola Block- Phulparas, Madhubani Bihar.
2. Sanjeev Kumar, S/o Late Bindeshwar Prasad Yadav, Resident of Ward No.-2, Dhanauja, Dhanouja, P.S.- Phulparas, District- Madhubani at present posted Assistant Teacher, Middle School Dhanauja, Block- Phulparas, Madhubani Bihar.
- Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Education Secretary, Bihar, Patna.
3. The Director State Project, Bihar Education Project Council, Patna.
4. District Programme Officer Sarvasiksha Abhiyan Madhubani.
5. District Education Officer, Madhubani.
6. District Programme Officer Establishment, Madhubani.
7. District Magistrate, Madhubani.
8. Block Education Officer, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13, Adv.
For the State : Mr.Smt.Shilpa Singh -Ga12
For BEPC : Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 30-08-2022

1. Heard the parties.

2. Both the learned counsels are submitted that the issues involved in the present case stands already adjudicated finally by the Division Bench vide its Judgment dated 17th July, 2018 in L.P.A. No. 772 of 2018 (Ranjeet Kumar & Another Vrs. The State of Bihar & Ors.) and connected L.P.As.

3. The order passed by the Division Bench is as under:-

“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.”

4. Keeping in view the aforesaid conclusions drawn by the Division Bench, the prayer made by the petitioners for considering the application for the post of Cluster Resource Coordinator ignoring the conditions laid down by the C.R.C.C. Guidelines, 2017 cannot be accepted as the writ would not be maintainable as held by the Division Bench.

5. Accordingly, the writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

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