

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8411 of 2018

-
-
1. Sanjeev Kumar Pal S/o Ram Babu Prasad R/o Shivpuri Colony Gali No. 2, P.S. - Ishakchak, District - Bhagalpur.
 2. Pritam Kumar S/o Bibhishan Sah R/o Mohaddinagar Posan Sah Lane, Behind Satsang Bhawan, Mohaddinagar, P.S. - Mirjanhat, District - Bhagalpur.
 3. Sadanand Kumar S/o Baldeo Chourasiya R/o Kutubganj Mahadeo Lal Lane Near Railway Line Mirjanhat, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, General Administration Department, Government of Bihar, Patna.
4. The Joint Secretary, Education Department, Government of Bihar, Patna.
5. The Director, Primary Education, Government of Bihar, Patna.
6. The Principal Secretary, Finance Department, Government of Bihar, Patna.
7. The Union of India through Secretary, Education Department, Government of India, New Delhi.
8. The Secretary Finance Government of India, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Adv.
For the Respondent/s : Mr. Madanjeet Kumar -Gp20

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 22-08-2022

The petitioners have prayed as under:-

(I) For issuance of writ commanding the respondents to provide teachers in the Elementary School and Middle School for teaching boys and girls of the age group from 6 to 14 years and for that purpose release appropriate fund so that the teachers may be appointed for which advertisement has already been



made and teachers have been selected but due to financial difficulties, they are not being appointed. The students of Primary School and Middle School have fundamental right under Article 21A of this Constitution of India to get education free from the State and this right is being denied by the respondents on the ground that there is financial difficulties.

(ii) To issue appropriate writ in the name of certiorari commanding the report Government of India to provide required financial head to the State Government so that the teachers may be appointed to teach the boys and fulfill the condition enumerated under Article 21A of the Constitution of India which is fundamental right.

(iii) The provision of Right of Education Act based on Article 21A of the Constitution of India are being violate by the Respondents.

(iv) Discrimination between two equals are also violation of fundamental right as provided under Article 14 & 16 of the Constitution of India as similarly situated Urdu candidate and Bangala candidates have been appointed from the same selection process of which petitioners are also qualified and waiting for appointment.

(v) Petitioners are successful candidates after



advertisement, written examination and selection but they are not being appointed on the ground of financial difficulties of the State of Bihar and this lame excuse of the state of Bihar is unwarranted and in violation of fundamental right of the children.

From perusal of the above, it is apparent that it is a case filed like a P.I.L. In service matters, P.I.L. does not give judgment nor the petitioners have been able to satisfy this court about their locus as they do not mention when they were selected.

The writ petition is devoid of merit and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

amit/-
Item no.52

U			
---	--	--	--

