

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1798 of 2018

1. Khushnandan Singh and Anr S/o Sri Ram Kailash Singh R/o Village-Rasalpur Tole Mirchaiya, P.S. Dumra, District- Sitamarhi.
2. Dinesh Kumar Kushwaha, S/o Ramnandan Ram Kushwaha R/o Village-Gorhiyan Bangraha, P.S. Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director , Primary Education, Government of Bihar, Patna.
4. The Director, Research and Training Council Education, Bihar, Patna.
5. The State Project Director, Bihar Education Project Council , Shiksha Bhawan, Rastabhasha Parishad
6. The District Education Officer, Sitamarhi, District - Sitamahri.
7. The District Programme Officer, Primary Education and Sarv Shikha Abhiyan, Sitamarhi, District- Sit

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the State	:	Mr.J.K. Roy No.1- Sc13
For respondent B.E.P.C.	:	Mr. Girijesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

7 11-07-2022

1. No one appears for the petitioner.

2. Learned counsel appearing for the respondents submits that the prayer made by the petitioner and the issue raised in the present writ petition stands finally adjudicated by a Division Bench of this Court in its Judgment dated 17th July, 2018.

3. Learned counsel submits that the post of Block

Resource Person for Block Resource Centre and Convener, Cluster Resource Centre are not civil posts nor there any cadre post, but is a matter of posting of existing employee without any additional consideration.

4. In L.P.A. No. 772 of 2018 (Ranjeet Kumar & Another Vrs. The State of Bihar & Ors.) and connected L.P.As decided by the Hon'ble Bench on 17th July, 2018 it was held 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.”

5. In the present petition, the petitioner has prayed as

under:-

“1. (I) For issuance of a writ in the nature of certiorari or any other appropriate Writ/Order direction to quash the provisions contained in Clause 2.2.1 (K) of the Selection, Work and Duties of Block Resource Person for Block Resource Centre and Convener, Cluster Resource Centre for (Cluster Resource Centre, Guidelines-2017) (hereinafter referred to as the guidelines, 2017) whereby and whereunder the general qualification for the post of Block Resource Person (for brevity BRP) has been fixed as the person/candidate must be working at an elementary school within the jurisdiction of the concern Block Resource Centre.

(ii) Further, for issuance of a writ in the nature of Certiorari or any other appropriate Writ/Order/Direction to quash the provision contained in Clause 2.2.1 (GA) of the Guidelines 2017 whereby and whereunder another requisite qualification has been fixed for the post of BRP that the person/candidate must have the teaching experience of five (5) Years at Primary/Elementary School.

(iii) Further, for issuance of a writ in the nature of Certiorari or any other appropriate Writ/Order/Direction to quash the part of the provision contained in Clause 2.2.1 (GH) of the Guidelines 2017 whereby and whereunder it has been provided that the in-charge Headmaster of an Elementary School may be selected if the charge is handed-over to another teacher.

(iv) Further, for issuance of a writ in the nature of Certiorari or any other appropriate Writ/Order/Direction to quash the provisions contained in Clause 2.2.2. (k), (kha), (ga) and (gha) whereby and whereunder the educational qualifications for BRP has been fixed by which it has been provided that the educational qualifications of only working teachers will be considered.

(v) Further, for issuance of a writ in the nature of Certiorari or any other appropriate Writ/Order/Direction to quash the provisions contained in Clause 3.2.1 (k) of the Guidelines-2017 whereby and whereunder the general qualification for the post of Convenor, Cluster Resource Centre (for brevity CRCC), has been fixed as the person/candidate must be working at an elementary school within the jurisdiction of the concern Cluster Resource Centre.

(vi) Further, for issuance of a writ in the nature of Certiorari or any other appropriate Writ/Order/Direction to quash the provision contained in Clause 3.2.1 (ga) of the Guidelines whereby and whereunder another requisite qualification has been fixed for the post of CRCC that the person/candidate must have the teaching experience of five (5) Years at Primary/Elementary School.

(vii) Further, for issuance of a writ in the nature of Certiorari or any other appropriate Writ/Order/Direction to quash the part of the provision contained in Clause 3.2.1 (gha) of the Guidelines 2017 whereby and whereunder it has been provided that the in-charge Headmaster of an Elementary School may be selected if the charge is handed-over to another teacher.

(viii) Further, for issuance of a writ in the nature or Certiorari or any other appropriate Writ/Order/Direction to quash the provisions contained in Clause 3.2.2. (k), (kha), (ga) (gha) and (nga) whereby and whereunder the educational qualifications has been fixed by which it has been provided that the educational qualifications of only working teachers will be considered.

(ix) Further, for issuance of a writ in the nature of mandamus, restraining the respondents authorities from publishing any advertisement for filing-up the post of BRP and CRCC in terms of Guidelines for Selection of BRP and CRCC-2017 or inviting application for aforesaid post in terms of the Guidelines of 2017 during the pendency of this

writ application.

(x) Further, for issuance of a writ in the nature of Mandamus or any other appropriate Writ/Order/Direction to the respondent authorities to restrain the teachers from being selected/deputed for any non-educational work.

(xi) Further, for issuance of a writ in the nature of mandamus or any other appropriate Writ/Order/Direction to the respondents authorities to consider for permanent employment of the petitioners against the vacant/sanctioned posts of BRP/CRCC or any other permanent posts as the petitioners have been working since more than ten years for different schemes of Education Department as “Utprerak”/or “Trainer” under the Bihar Project Council.

(xii) Further, for issuance of any other Writ(s)/Order(s)/Direction(s) for any other relief for which the petitioner may be entitled for in the facts and circumstances of the present case.”

6. Keeping in view, the aforesaid conclusions drawn in the aforesaid Judgment, the prayer made by the petitioner cannot be entertained as well of stands settled.

7. In view thereof, the writ petition is found to be devoid of merit and accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 6

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