

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2551 of 2018

1. Bela Devi Wife of Rajendra Mandal, Resident of Village- Parvaha, P.S. and Prakhand- Forbesganj, District- Araria.
2. Ashia @ Ashia Khatoon, Wife of Iliyas, Resident of Village- Parvaha, P.S. and Prakhand- Forbesganj, District- Araria.
3. Julesa Khatoon, Wife of Md. Mainul, Resident of Village- Parvaha, Tola-Mishrit, P.S. and Prakhand- Forbesganj, District- Araria.
4. Pawan Rajak, Son of Vishnudev Rajak, Resident of Village- Parvaha, Tola-Mishrit, P.S. and Prakhand- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Director, Mid-Day Meal, Bihar, Patna.
5. The District Education Officer, Araria, District- Araria.
6. The Programme Officer, Mid-Day Meal, Araria, District- Araria.
7. The Prakhand Education Officer, Forbesganj, District- Araria.
8. The Prakhand Resources Coordinator, Mid-Day Meal, Forbesganj, District- Araria.
9. The In-charge Headmaster, Middle School, Chaura Parwaha, Prakhand-Forbesganj, District- Araria.
10. Vidyalaya Shiksha Samittee, Middle School, Chaura Parwaha through its Secretary, Prakhand- Forbesga
11. The Secretary, Vidyalaya Shiksha Samittee, Middle School Chaura Parwaha, Prakhand- Forbesganj, Dist
12. The Chairman, Vidyalaya Shiksha Samittee, Middle School, Chaura Parwaha, Prakhand- Forbesganj, Dist
13. Upendra Paswab, Son of Jaglu Paswan, Resident of Village- Parvaha, P.S. and Prakhand- Forbesganj, District- Araria.
14. Buchchi, Wife of Md. Rauf, Resident of Village- Parvaha, P.S. and Prakhand- Forbesganj, District- Araria.
15. Budhani Khatoon, Wife of Md. Jahul, Resident of Village- Parvaha, P.S. and Prakhand- Forbesganj, District- Araria.
16. Jahira Khatoon, Wife of Gesul, Resident of Village- Parvaha, P.S. and Prakhand- Forbesganj, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr.Prabhakar Jha- Gp27

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

4 17-10-2022 No one appears for the petitioner.

Learned counsel appearing for the respondents states that the appointment of the Cooks-cum-Assistant in the school for preparing mid-day-meal is within the domain of Vidyalaya Shiksha Samiti and they are not appointed against any post. The concerned Cooks were not to be negligent in their performance and left hot water in the pots wherein a young girl fell down and ultimately died on account of burn injuries resultantly the said Cooks were removed of the concerned Shiksha Samiti and new Cooks have been appointed in their place, no right is created in favour of any Cook as the appointment is purely temporary and based on his or her performance. This Court finds that the Cooks is appointed by the Vidyalaya Shiksha Board.

Keeping in view the provisions of Bihar State mid-day-meal scheme and the appointment and termination of service of such Cook-cum-Assistant is with reference to his/her work performance and preparation of meal thus their appointment can not be said to be on permanent nature and is work oriented.

In view thereof, no right is created to the petitioners to

be permanently appointed on the said post and therefore no case of interference is warranted.

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

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 63

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