

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3336 of 2018

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1. Md. Shaid Idrisiya and Ors S/o Md. Habib Idarisiya, resident of Village- Bhikhanpura, P.O.- Bhatauliya, P.S.- Desari, District- Vaishali.
 2. Rasida Khatoon, D/o Shah Mohammad, resident of Village- Panapur Bateshwarnath, Block- Jandaha, P.S.- Jandaha, District- Vaishali.
 3. Md. Shahabuddin, S/o Md. Lalbabu, resident of Village- Desari, P.O.- Desari, P.S.- Desari, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Jan Shiksha, State of Bihar, Patna.
3. The District Magistrate, Vaishali.
4. The District Education Officer, Vaishali.
5. The District Program Officer Saksharta, Vaishali.
6. The Block Education Officer, Desari, Vaishali.
7. The Block Education Officer, Jandana, Vaishali. null null
8. The Headmaster, Govt. Middle School, Bhikhanpura, Hajipur, Vaishali.
9. The Headmaster, Navsrijeet Primary School Desari, Vaishali. null null
10. The Headmaster, Middle School Bateshwarnath, Jandaha, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Smt. Shilpa Singh , GA 12

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

7 02-01-2023 1. The petitioner has preferred this writ petition alleging that he was selected for the post of Shiksha Swam Sevi/ Tola Sevak by the Selection Committee on 01.08.2015, but was not allowed to join on the post.

2. Learned counsel for the petitioner submits that the action of the respondents were arbitrary and unjustified. There



was no reason to stop the petitioner from joining as Tola Sevak after he was already issued appointment order.

3. Per contra, learned counsel appearing for the State submits, the petitioner was asked to join the training which he has failed to join and, therefore, his joining in the school was not accepted.

4. I have considered the submissions, although, the post is under scheme and ordinarily this Court would not entertain writ petitions relating to such contractual appointments. However, in the present case it is noticed that the petitioner was issued appointment letter where after he was not allowed to join. The plea taken by the respondent of petitioner having not joined the training is found to be without basis. A person sent for training after he is allowed join. Accordingly, the respondents were required to follow the order of appointment issued by the Committee dated 01.08.2015 and thereafter, sent the person for training. As those who are sent for training are those who are already on the rolls and not outsiders.

5. In view of above, this writ petition is allowed. The verbal order of the respondents not allowing the petitioner to join is set aside. Petitioner shall be free to submit his joining within 7 days from today, thereafter, the State shall sent the



petitioner for training as per their guidelines which were in existence at that time in 2015/16.

6. The petitioner's joining shall be treated from the day appointment orders were issued dated 01.08.2015 notionally however, actual salaries and benefits shall not be admissible to the petitioner and his salary shall be released only from the date of actual joining.

7. Writ petition is accordingly allowed.

(Sanjeev Prakash Sharma, J)

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