

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11724 of 2012

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Manoj Kumar Shrivastava S/O Shree Umashankar Prasad Headmaster Poject
Girls High School, Karagahar Police Station - Karagahar, District - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Education Department,
Govt. of Bihar, New Secretariat, Vikas Bhawan, Patna
2. The Principal Secretary, Education Department, New Secretariat, Vikash
Bhawan, Patna
3. The Director (Secondary Education), Education Department, Bihar
Secondary Education Office, Budh Marg, Patna
4. The Deputy Director (Secondary Education), Incharge Project Schools,
Education Department, Bihar Secondary Education Office, Budh Marg,
Patna
5. The Regional Deputy Director Of Education, Patna Division, Patna
6. The District Education Officer, Rohtas, District - Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sharma, Advocate
For the State	:	Mr. Manish Kumar, A.C. to AAG-6(Ex.)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 02-11-2023 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
quashing the order contained in Memo no.699 'P' Patna dated
26.8.2008 passed by the Director (Secondary Education),
Education Department, Bihar (respondent no.3) by which the
claim of the petitioner and other teaching and non-teaching
staffs appointed by the Managing Committee of the Project
Girls High School, P.S. Karagahar, District Rohtas has been



rejected.

3. At the outset, learned counsel for the respondents bring to the notice of this Court the counter affidavit filed on behalf of the Principal Secretary, Education Department (respondent no.2) which is to the effect that on the direction of the Hon'ble Supreme Court, a three man committee was constituted vide Memo no.41(P) dated 9.3.2006 for the purpose of examining the selection of schools and the Committee, through a press communique, invited claims of the concerned project schools of 1984-85 phase. The Committee found that the school in question was not established and run by the Managing Committee but was directly established and run by the State Government. Accordingly, the claims were rejected vide memo no.704 dated 16.8.2008 and the petitioner did not figure amongst the claimants before the three man committee. The relevant paragraphs of the counter affidavit filed on behalf of the Principal Secretary is quoted herein below for ready reference:

“10. That on the aforesaid direction of the Hon'ble Supreme Court, a 3-Man Committee was constituted vide memo no. 41 (P), dated 09.3.2006 for the purpose of examining the selection of schools and also for the purpose of examining the personal grievances of the teaching and non-teaching staffs of



the project schools of 1984-85 phase.

11. That the 3-Man Committee, through Press Communiqué, invited the claims of the concerned project schools of 1984-85 phase and individuals in prescribed performa and on receipt of the claims the same were duly considered and examined by the committee. The teaching and non-teaching staff appointed by the so called managing committee, had also represented before the committee.

12. That it is further submitted that the 3-Man Committee, before deciding the matters of the project Schools of Phase 1984-85 and the matters of approval of services of their teaching and non-teaching staff, had decided the norms which were approved by the Government. On due examination of the matter, the committee found that the School in question is not established and run by managing committee and it is directly established and run by the State Government. The claims of the teaching and non-teaching staffs appointed by the so-called managing committee of the school was not found justified and the committee did not recommended the approval of the services of the teaching and non-teaching staff of the school in question. Accordingly, their claims were rejected vide Memo No. 704 dated 16.8.2008. Since the petitioner was not amongst the claimants before the 3 Man Committee, his name was not mentioned in the report of the Committee.

14. That it is respectfully submitted that during the consideration of the claims of the teaching and non-teaching staffs of the school in



question it was found that the State Government or the 3 Man district-level committee headed by the District Magistrate had not selected any school that was established and being run by any managing committee. On the other hand, it was found that this school was directly established and run by the Government. During the consideration it was also found that no project report was sent by the Additional Director of Education in the year 1989 for the purpose of approval of services of the teaching and non-teaching staff appointed by any managing committee in the school. Accordingly, their claims were rejected vide the impugned orders.

15. That in this regard it is submitted that the project schools of Phase 1984-85 were of two types i.e., (1) project schools established and run by the local public before the project scheme had been started, which were later on selected and taken under the project scheme by the Government or by the district level committee headed by the concerned district magistrate and (2) project schools directly established and run by the State Government under this project scheme. The matter of approval of services of such teaching and non- teaching staffs, who were appointed in such schools that were established and run by the local public and selected by the Government under the project scheme, was under the consideration of the Hon'ble Supreme Court. The school in question was directly established by the Government and therefore, the question of approval of the teaching and non-teaching staff appointed by the so-called managing



committee does arise. The orders of the department are therefore, quite just and proper.

16. That here it is submitted that the petitioner, vide Annexure-5, has annexed the so-called list of teachers appointed by the managing committee. This Annexure seems to be a manufactured list because, on a perusal of the report of the 3 Man Committee, it is evident that the list of teachers that was submitted before the Committee is entirely different from Annexure-5.”

4. In view of the facts and circumstances of the case stated herein above and the relevant part of the counter affidavit of the respondents as quoted herein above, the Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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