

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.757 of 2023

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Murshid Zeya Son of Md. Anuddin, Resident of Village- Babura, P.O.- Akhlaipur, P.S.- Bhabhua, District- Kaimur at Bhabhua.

... .. Petitioner

Versus

1. The State of Bihar through the State Project Director, Bihar Education Project Council, Shiksha Bhawan, Shaidpur, Rajendra Nagar, Patna-4.
2. The District Magistrate, Kaimur at Bhubhua.
3. The District Education Officer, Kaimur at Bhabhua.
4. The District Programme Officer, (Primary Education and Sarva Shiksha Programme cum District Coordinator Bihar Education Project) Kaimur at Bhabhua.
5. The Block Education Officer, Bhabhua.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadav, GP-23
Mr. Rajesh Kumar Sinha, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner in the present case is seeking setting aside of the communication dated 07.09.2022 as contained in Annexure '15' to the writ application. Learned counsel for the petitioner submits that on perusal of Annexure '15', it would appear that the request of the petitioner to allow him to withdraw his resignation and to accept his joining as peon-cum-night watchman in the office of Sarva Shiksha Abhiyan, Kaimur has been rejected.

It is not in dispute that the petitioner was engaged on



contract basis on a short term contract on the post of peon-cum-night watchman in the office of Sarva Shiksha Abhiyan, Kaimur. Annexure '1' to the writ application is the letter of appointment. It is stated that his engagement was extended from time to time but on 31.12.2016 the petitioner resigned.

Learned counsel submits that from Annexure '12' which is a letter dated 2nd July, 2019, it would appear that the petitioner had submitted an application that his earlier letter of resignation be rejected and he should be allowed to join. Learned counsel submits that this application was submitted in January, 2018 i.e. after a period of one year from the date of resignation.

Learned counsel submits that ultimately vide Annexure '15', it has been rejected on the ground that under the Shiksha Pariyojna Parishad Seva Niyamavali, (as amended 2010), there is no provision to accept the joining of an employee who has earlier resigned.

Learned counsel for the State submits that on the face of the reasons shown in Annexure '15', no interference is required.

Having regard to the facts and circumstances, particularly the materials available on the record showing that it



was the petitioner who had resigned and after one year he approached the authorities to reject his resignation, in the opinion of this Court, the respondent authorities have not committed any error in rejecting the request of the petitioner to allow him to join again. The authorities have rightly pointed out that there is no such provision in the Rule.

The scope of this writ application cannot be expanded so as to issue a writ of Mandamus to do something which is not in accordance with law.

This application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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