

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2878 of 2020

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1. Manish Kumar Son of Sri Mahesh Prasad Singh, resident of Village-Byapur, P.S.- Maner, District- Patna.
 2. Rupesh Kumar Singh, Son of Sri Ganesh Prasad Singh, resident of Village-Jhandapur, P.S. Thana Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Bihar, Patna.
2. The Development Commissioner-cum-Chairman, Bihar Education Project, Old Secretariat, Patna- 1.
3. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rashtra Bhasa Parisad Campus, Saidpur, Rajendra Nagar, Patna- 4.
4. The Administrative Officer of Bihar Education Project Council, Shiksha Bhawan, Rashtra Bhasa Parishad Campus, Saidpur, Rajendra Nagar, Patna- 4.
5. The Civil Works Manager (In-Charge) Bihar Education Project Council, Shiksha Bhawan, Rashtra Bhasa Parishad Campus, Saidpur, Rajendra Nagar, Patna- 4.
6. The Additional State Programme Officer, Bihar Education Project Council, Shiksha Bhawan, Rashtra Bhasa Parishad Campus, Saidpur, Rajendra Nagar, Patna- 4.
7. District Program Officer, Primary Education and Sarv Siksha Abhiyan, Katihar.
8. The District Education Officer, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Indu Bhushan, Advocate
For the State	:	Mr.Manish Kumar (Gp4)
For the BEPC	:	Mr. Girijesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 11-01-2024

Heard learned counsel for the petitioners, State as well as Bihar Education Project Council.

2. Learned counsel for the petitioners submits that the petitioners are employees of the Bihar Education Project



Council (non-teaching) and have joined this service on contractual basis and guided by the Bihar Education Project Council Service Rule, 2010 Amendment against whom the order of penalty has been passed by the State Project Director (SPD), Bihar Education Project Council vide Memo No. 8945 dated 18.10.2019, as contained in Annexure -17 to the writ petition.

3. Learned counsel for the Bihar Education Project Council raised a preliminary objection submitting that as per Section 57 (iii) of the Bihar Education Project Council Service Rule (Amendment), 2010, there is a provision for filing an appeal before the appellate authority within three months from the date of communication of the order. Therefore, this writ petition is not entertainable.

4. From the said Rule, it transpires to this Court that any person serving the Parishad on any post with regular emoluments including on deputation and on a contract basis comes within the purview of the employee under the said rule and, therefore, the petitioner has grievance by way of filing an appeal under Rule 57(iii) of the said Rule.

5. As such, this writ petition stands disposed of granting liberty to the petitioner to prefer an appeal before the Chairman, Executive Committee, Bihar Education Project



Council. If there is any delay in filing the appeal, it is directed to the appellate authority that he shall condone the same.

6. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	15/01/2024
Transmission Date	NA

