

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17739 of 2016

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Bibi Rokaiya Daughter of Mohammad Nasrullah, Resident of Village-Simrahi Bazar, P.S.- Raghapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Ministry of Human Resources Development, Govt. of Bihar, Patna.
3. The Director, Bihar Education Project Council, State Level Office, Shiksha Bhawan, Rashtrabhasa Pa
4. The District Magistrate cum President, Kasturba Gandhi Balika Vidyalaya, Supaul.
5. The District Education Officer, Supaul.
6. The District Project Officer, Primary Education and Sarv Shiksha Abhiyan, Supaul.
7. The Block Education Officer, Block- Raghapur, Supaul.
8. The Sanchalak, Kasturba Gandhi Awasiya Balika Vidyalaya, Karzaine, Raghapur, District Supaul.
9. The Secretary, Bihar Education Project Council (State Level Office), Shiksha Bhawan, Rashtrabhasa Parishad Campus, Saidpur, Rajendra Nagar, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Hemant Kumar Sharan
For the State	:	Mr. Priyadarshi Matri Sharan, AC to AAG 15
For the BEPC	:	Mr. Girjesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 6 | 13-08-2024 | <ol style="list-style-type: none">1. Heard learned counsel for the parties concerned.2. The petitioner has filed the present writ application for quashing the order, issued vide letter no. 1170, dated 31.12.2015, passed by the District Programme Officer, Elementary Education and Sarv Shiksha Abhiyan, Supaul, by which the services of the petitioner as full time teacher |
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in Kasturba Gandhi Girls School, Raghapur has been terminated on the ground that the petitioner has not passed graduate examination.

3. Learned counsel for the petitioner submits that the petitioner was appointed as full time teacher in Kasturba Gandhi Girls School, Raghapur, and, now, she has got B. A. degree, but the same is not being accepted.
4. On the other hand, learned counsel for the State submits that at the time of selection of the petitioner, the educational qualification required for selection on the post of full time teacher was Intermediate, which was later on amended as Graduation in the year 2011. The petitioner was given opportunity to complete her Graduation till 31.12.2015 but the petitioner failed to acquire the requisite educational qualification till the cut-off date.
5. This Court, in CWJC Nos. 8849 of 2009, 157978 of 2012, 20227 of 2013, 23630 of 2013, 2931 of 2014 20150 of 2014, 7947 of 2014, 9147 of 2019 and many other writ applications, has held the writ applications filed by the Warden, full time teachers, part time teachers, cook, Assistant cook, peon and Chowkidars, working in



Kasturba Gandhi Girls School as not maintainable because the appointment was on contract basis and no reinstatement can be directed if the contract is terminated.

6. A Division Bench of this Court, vide order, dated 30.08.2022, passed in LPA No. 1574 of 2019, has also held as follows:

“The appellant has not questioned the validity of prescription of higher qualification of graduation to such of those contract teachers. That apart his tenure on contract basis was over on 31.12.2015, however, he has been continued up to 08.03. 2016, the date on which her services were terminated. In fact, termination order was not warranted for the reasons that her tenure on contractual basis was not renewed as and when it has expired.”

7. Accordingly, on the basis of aforesaid judgment, I hold that this writ application is not maintainable and the same is dismissed.

8. However, the petitioner may pursue her remedy in accordance with law before the Civil Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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