

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6479 of 2021

Md. Shahid Son of Mohamamde Kaisar, Resident of Pakki Sarai Road Faridi
Katra Gali, Block-Mushahari, P.O.-Head Post office, Barhampura,
Muzaffarpur, P.S.-Town Thana, Dist-Muzaffarpur, Bihar-842001.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Education, Bihar, Patna.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Director, Jan Siksha-Cum-Additional Secretary, Education Department, Bihar, Patna.
4. The Director, Department of Secondary Education, Bihar, Patna.
5. The District Magistrate, Muzaffarpur.
6. The District Education Officer, Muzaffarpur.
7. The District Programme Officer, Literacy, Muzaffarpur.
8. The Block Education Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Priyank Samdarshi
For the Respondent/s	:	Mr. Jitendra Kumar Roy 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
CAV JUDGMENT

Date : 05-09-2024

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the office order contained in Memo No. 249 dated 22.12.2020 (Annexure-22) issued by the District Programme Officer, Literacy, Muzaffarpur (respondent no.7), whereby and whereunder the petitioner has been terminated from the post of Shiksha Sevak (Talimi Markaj) of the Rajkeey Urdu Kanya Madhya Vidyalaya, Pakki Sarai Nagar Kshetra, Muzaffarpur.



3. The learned counsel for the respondents has raised a preliminary objection regarding maintainability of the present writ petition and has referred to a judgment dated 17.08.2015 passed by a coordinate Bench of this Court in CWJC No. 12390 of 2015 as well as to a judgment dated 02.02.2017 rendered by the learned Division Bench of this Court in L.P.A. No. 2185 of 2015 whereby and whereunder it has been held that since the selection or engagement or hiring of the Shiksha Sevak is not a permanent appointment under the State, which is required to be considered under Article 226 of the Constitution of India as well as since the post of Shiksha Sevak is under a scheme, the same does not create any statutory right in favour of the petitioner, hence writ petitions in such matters as that of Shiksha Sevaks are not maintainable.

4. Having regard to the aforesaid judgments rendered by a coordinate Bench of this Court as also by the learned Division Bench of this Court, this Court is of the opinion that the present writ petition is not maintainable, hence the same is dismissed. However, liberty is granted to the petitioner to take recourse to such other remedies as are available under the law.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	29.08.2024
Uploading Date	05.09.2024
Transmission Date	NA

