

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9038 of 2023

1. Chuman Goad S/O Sudama Goad, R/O Ward No. 9, Hardi Nadwa, Majhariya, P.S. Chautarwa, District- West Champaran
2. Pramila Devi @ Parmila Devi, W/O Amitabh Sharma, R/O Ward No. 9, Hardi Nadwa, Majhariya, P.S. Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Education Department, Government of Bihar, Patna.
2. Director, Midday Meal Scheme, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna
4. District Magistrate, Bettiah, West Champaran,
5. Regional Deputy Director, Muzaffarpur.
6. District Midday Meal Scheme In Charge Officer, Bettiah, West Champaran.
7. District Education Officer, Bettiah, West Champaran.
8. District Program Officer, Prime Minister Nutrition Scheme, Bettiah, West Champaran.
9. Block Education Extension Officer, Bagaha- 1, West Champaran.
10. President, School Education Committee, Rajkiya Primary School (Hindi), Murli, Bagaha 1, West Champaran.
11. Headmaster, Rajkiya Primary School (Hindi), Murli, Bagaha 1, West Champaran.
12. Block Resource Person, Prime Minister Nutrition Scheme, Block Bagaha - 1, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Madhukar Mishra (AC to SC-16)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2024 Heard learned counsel for the petitioners and learned
A.C. to Standing Counsel – 16.

2. This writ application has been filed for following

relief(s):-



“I. For declaring the appointment of the petitioners to be valid at the post of cook in Rajkiya Primary School (Hindi), Murli, Bagaha 1, West Champaran, since the petitioners have duly been appointed by the School Education Committee in its meeting No. 8 dated 13.08.2022.

II. Also, for directing the respondents to make approval and allow the petitioners for performing their duties of cook in Rajkiya Primary School (Hindi), Murli, Bagaha - 1, West Champaran.

III. Also, for directing the Respondents to make payment of petitioners' salary right from the date of their appointment/joining.

IV. Also for any other relief(s) for which the petitioner has been found legally entitled.”

3. Learned counsel for the petitioners submits that after resignation of Bihari Sah, in the 7th Meeting dated 08.08.2022, the School Education Committee resolved to make appointment of the cooks after due advertisement and thereafter, the applications were invited for the two vacant posts of cook in Rajkiya Primary School (Hindi), Murli, Bagaha, West Champaran and the petitioners applied for the same. In the 8th Meeting of School Education Committee dated 13.08.2022, the petitioners were appointed as cook in Mid-day Meal Scheme in Rajkiya Primary School (Hindi), Murli, Bagaha-1, West Champaran and subsequently, the petitioners were given appointment letter by the Headmaster, Rajkiya Primary School



(Hindi), Murli, Bagaha -1, West Champaran and petitioners joined on the same day (Annexure 2 series). After the petitioners' appointment, they started working efficiently without there being any complain and the petitioners right from their date of appointment i.e. 13.08.2022 have been discharging their duties properly and they have marked their attendance till the end of March 2023, but all of a sudden, they have been stopped from marking their attendance and on inquiry, they were told that the District Program Officer, Prime Minister Nutrition Scheme, Bettiah, West Champaran (Respondent No. 8) has ordered to reinstate the cook namely Bihari Sah, who has already resigned from his post.

4. In this connection, a representation was filed by the Head Master/Respondent No. 11 before the Regional Deputy Director, Muzaffarpur (Respondent No. 5), who after hearing the parties and perusing the materials available on record, vide Memo No. 332 dated 14.02.2023 (Annexure – 3 to the writ petition), ordered to take necessary action against Respondent No. 8, having received an explanation from him for not approving the petitioners' appointment made by the School Education Committee. But, till date appointment of petitioners has not been approved and petitioners are not allowed to mark



their attendance.

5. In this regard, a counter affidavit has been filed on behalf of State. Learned counsel for the State does not dispute the order passed by Respondent no. 5 / Regional Deputy Director, Muzaffarpur, vide Annexure ‘ 3’.

6. In the aforesaid facts and circumstances, the writ petition stands disposed of with a direction to the Respondent no. 8 / District Program Officer, Prime Minister Nutrition Scheme, Bettiah, West Champaran to ensure compliance of the order passed by Respondent no. 5 / Regional Deputy Director, Muzaffarpur, contained in Memo No. 332 dated 14.02.2023, within a period of three months from the date of receipt/production of copy of this order.

7. With above direction, the writ petition is disposed of.

(Prabhat Kumar Singh, J)

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