

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8903 of 2024

1. Sunita Devi W/o Anil Paswan, resident of Village-Kutru Mandal Tola, P.S.-Gopalpur, District-Bhagalpur.
2. Nilam Devi, W/o Niranjana Mandal, resident of Village-Jhallu Das Tola, Ward No. 5, P.S. Gopalpur, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Primary Education, Education Department, Govt. of Bihar, Patna.
2. The Director, P.M. Poshan Yojna, Education Department, Govt. of Bihar, Patna.
3. The Director, Mid-Day-Meal (M.D.M.), Food and Supply Department, Govt. of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Programme Officer, P.M. Poshan Yojna Specially Mid-Day-Meal (M.D.M.), Bhagalpur.
6. The District Education Officer, Bhagalpur.
7. The Sub-Divisional Officer, Naugachhia, Bhagalpur.
8. The Block Development Officer, Naugachhia, Bhagalpur.
9. The Block Sadhansevi, P.M. Poshan Yojna, Naugachhia, Bhagalpur.
10. The Block Education Officer, Naugachhia, Bhagalpur.
11. The Headmaster/Principal, Madhya Vidyalaya Tirtanga Diyara, Durgasthan Mahdattpur, Naugachhia, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Shambhu Sharan Singh, Advocate
For the State	:	Mr. Advocate General
For MDM	:	Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioners and learned
counsel for the respondents.

2 This writ application has been filed for following
reliefs:



(i) For re-instatement of petitioners on their post of Rasoiya (Cook)-cuk-Sahayak (Assistant) at Madhya Vidyalaya, Tintanga Diyara Dukrgasthan, Mahdattpur since there is no any fault on the part of petitioners, and alleged occurrence had not effected to any one which was found false and malafide.

(ii) For quashing the letter issued, vide memo No. 634 dated 29.07.2022 of the District Programme Officer P.M. Poshan Yojna Bhagalpur and its relevant letter no. 1015 dated 01.11.2022 issued by him whereby the petitioners have been terminated from the post of Rasoiya (Cook)-cum-Sahayak (Assistant) and other two persons have got selected for the same at Madhya Vidyalaya, Tintanga Diyara Durgasthan, Mahdattpur, Naugachhia, Bhagalpur.”

3. Admittedly, the petitioners were holding the post of Rasoiya (Cook)-cum-Sahayak (Assistant) in the Middle School on contract basis, who were terminated by the School Education Committee and the said termination order was approved by the District Programm Officer, Bhagalpur, vide letter no. 634 dated 29.07.2022 (Annexure P/3 to the writ petition).

4. Here, it is relevant to mention that cook-cum-Assistant does not hold civil post as well as the same is not a statutory post. No recruitment rules are followed for their



appointment.

5. The writ petition is not maintainable. However, liberty is granted to the petitioners to take recourse to such other remedies as are available under the law.

6. With above observation, the writ petition is disposed of.

(Prabhat Kumar Singh, J)

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