

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12564 of 2025

1. Raunaque Afroz S/o Wasiqueur Rahman, R/o Kola, PO Touli Kola, PS Amour, District Purnia.
2. Md. Imtiyaz S/o Md. Idris Alam, R/o Sarifganj, Line Bazar, PO Line Bazar, PS Sahayak Khajanchi, District Purnia.
3. Piyush Kumar S/o Uttam Kumar Singh, R/o Arya Tola, Sabour, PO Sabour, PS Sabour, District Bhagalpur.
4. Gaurav Anand S/o Arun Kumar Singh, R/o Balutola, PO Nirpur, PS B. Kothi, District Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary-cum-Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Director Administration-cum-Additional Secretary, Department of Education, Government of Bihar, Patna.
5. The State Project Director, Bihar Education Project Council, Patna, Bihar, Patna.
6. The District Magistrate, Katihar, District Katihar.
7. The District Education Officer, Katihar, District Katihar.
8. The District Program Officer (Establishment), Katihar, District Katihar.
9. M/s Techno Facility and Management Services, Branch Office Flat No 202, Vilas Kunj Apartment, Kidwaipuri, Patna 800001, Head Office Plot No 307/4281, Damana Square, Chandrasekharpur, Bhubaneswar, Odisha 751016.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md Tauqueer Azhar, Advocate
For the State	:	Mr. Kumar Manish, SC 5
		Mr. Arun Kumar Prasad, AC to SC 5
For the BEPC	:	Mr. Akash Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT

Date : 08-09-2025

Heard learned counsel for the petitioners and learned
counsel appearing for the respondent State.



2. The petitioners in the present writ application have prayed for the grant of following reliefs :

“i) For the issuance of writ in the nature of Mandamus or any other appropriate writ, order or direction, to the respondent authorities to allow the Petitioners to continue the duty/service on the post of District Project Manager (DPM) and Programmer respectively in the office of District Education Officer Katihar, which has been disengaged orally with effect from 01/04/2025 without any notice or termination order on the basis of letter issued under the signature of the State Project Director, Bihar Education Project Council, Patna bearing letter No-MGT/Gender letter/300/2023-2024/315 dated 17/01/2025, whereas said letter has no application to the case of the Petitioners, as it relates to disengagement of service of unsecured employees whose tenure of service has not been specified and therefore, the order of disengagement is arbitrary, illegal, and unsustainable.

ii) For the issuance of writ in the nature of Certiorari or any other appropriate writ, order or direction, quashing the Letter bearing No. MGT/ Gender Letter/300/2023 24/315 dated 17.01.2025 (Annexure P/9 series) issued under the signature of the State Project Director, Bihar Education Project Council, Patna, whereby a direction has been issued not to avail the services from the outsourced employees, whose



tenure of service has not been specified, after 31.03.2025 which letter is arbitrary and unsustainable as no reason has been assigned for issuing such letter.

iii) To quash the letter vide memo no-SSA/553 dated 21-03-2025 issued under the signature of District Programme Officer. Integrated Education (Samagrh Shikcha), Katihar whereby and where-under the out-sourcing agency M/S Techno Facility and Management Pvt. Ltd., has been asked to informed the concerned that their services will be taken only till 31-03-2025 in the light of review meeting dated 05-03-2025, which is contrary to the fact of the meeting.

iv) For the issuance of writ in the nature of mandamus or any other appropriate writ, order or direction, commanding the respondent authorities to allow the petitioners to continue in service till the entire tenure of three years of their contract and its permissible extension of two years and further till such time the regular appointment is not made as the work is of perennial nature.

v) For direction to the respondent authorities to make payment of salary for the work done by the petitioner for the period between 01.04.2025 to 13.05.2025.

vi) For any other relief / reliefs to which the petitioner is found entitled in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that the



Department of Education, Government of Bihar Patna had issued a notification dated 21.06.2023 inviting tender for providing services of different professionals in the State of Bihar. In the light of the said notification dated 21.06.2023, Tender Committee, Education Department listed 18 institutes for providing services of professionals and *vide* letter dated 27.07.2023 district wise allotment was given to the 18 institutes. One such institute was/is Ms. Techno Facility and Management Services (respondent no. 9) who was selected for providing services of professionals for Patna and Katihar District. In terms of the same, the petitioners' services were engaged by Ms. Techno Facility and Management Services *vide* letter dated 23.09.2023, 22.05.2024, 30.09.2023 and 03.05.2024 (Annexure-P5 series) and after being contracted to provide professionals services they were deputed as District Project Manager and programmer at Katihar. The said letter of engagement /appointment issued by Ms. Techno Facility and Management Services which have been brought on record as Annexure-P5 series clearly stipulates that the job offered to the petitioners was purely temporary in nature. It has been admitted by learned counsel for the petitioners that for discharging the work of District Project Manager the petitioners was being paid



salary/remuneration by the private company namely, Ms. Techno Facility and Management Services.

4. Learned counsel for the petitioners further submits that abruptly their services have been brought to an end with effect from 01.04.2025 and hence they have preferred this writ application for issuance of writ of mandamus for directing the respondents to continue the duty/services of the petitioners on the post of District Project Manager in the office of the District Education Officer, Katihar.

5. Learned counsel appearing for the respondent No. 5 submits that the present writ application is not maintainable for the reason that the petitioners were employees of a private agency namely, Ms. Techno Facility and Management Services and if their services have been terminated by the said private agency then no writ would be maintainable against a private agency.

6. Considering the submissions made by both the parties and upon careful perusal of the pleadings and the documents brought on record, it is manifest that the petitioners were not employees of the respondent State or any of its instrumentality, in fact they were admittedly employees of Ms. Techno Facility and Management Services, a private agency. In such view of the



matter, the present writ claiming relief of reinstatement against a private agency is clearly not maintainable in law and hence it is dismissed.

(Alok Kumar Sinha, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

