

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12838 of 2025

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1. Kundan Kumar Singh S/o- Deoki Prasad Singh, R/o - Bawanganj, P.O.- Binji, P.S. - Korha, District - Katihar.
 2. Rajeev Kumar, S/o - Chandeshwari Prasad Mehta, R/o- Laxmipur Rajdhani, P.O.- Bihariganj, P.S.- Bihariganj, District- Madhepura.
 3. Mohammad Mubassir Alam @ Md. Mubassir Alam, S/o- Mohammad Kamaluddin @ Md Kamaluddin R/o- Alhanda Khari, P.O.- Baghwa P.S.- Balia Bewlon, District- Katihar.
 4. Md. Mudabbir Alam, S/o- Md. Kamaluddin R/o- Alhanda Khari, P.O.- Baghwa P.S.- Balia Bewlon, District- Katihar.
 5. S.K. Rahman, S/o- S.K.Rafi R/o- Raghunathpur, P.O.- Bairia. P.S.- Amdabad, District- Katihar.

... .. 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 Respondent/s	:	Mr. U.S.S. Singh, GP-19
For the B.E.P.C.	:	Mr. Girijish Kumar, Advocate
		Mr. Akash Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 08-09-2025



Heard learned counsel for the petitioners and learned counsel for the respondents including learned counsel for the Bihar Education Project Council, Patna, Bihar (respondent no.5).

2. The petitioners have filed the instant application for the following relief(s) :-

“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/8 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.1174 dated 20-03-2025 issued under the signature of District Programme Officer, Integrated Education (Samagr Shiksha), Katihar whereby and where-under the out-sourcing agency M/S Techno Facility and Management Pvt. Ltd., has been asked to inform 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. At the outset, learned counsel for the petitioners submits that the representation of the petitioners filed before the District Education Officer, Katihar (respondent no.7) still remains pending and a direction be issued to the concerned respondent to decide the same in accordance with law after hearing the parties.

4. At this stage, learned counsel for the Bihar Education Project Council submits that the petitioners were engaged through the outsourced agency and the agreement also was between the Bihar Education Project Council and the outsourced agency ie M/s Techno Facility and Management Services who in turn had engaged the petitioners.

5. Having heard learned counsel for the parties and having perused the material on record, without going into the merits of the case of the parties, the writ application stands disposed of with a direction to the District Education Officer, Katihar (respondent no.7) to decide the representation filed by the petitioners in accordance with law within a period of two months from the date of receipt/production of the copy of this order.

6. It is made clear that the Court has neither gone into the merits of the case of the petitioners nor has decided the



question of maintainability of the instant writ application raised
by learned counsel appearing for the respondents.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	09.09.2025
Transmission Date	

