

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.982 of 2024

In
Civil Writ Jurisdiction Case No.4321 of 2017

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1. Md. Jamal Uddin S/o Md. Lazim, R/o Village and Post- Maharshi, Mehi Nagar (Nurani Masjid Mohalla), Nagar Parishad Ward No. 5, P.S. and District- Madhepura.
 2. Md. Zakir Hussain, S/o Md. Ali Hasan, R/o Ward No. 25 At and P.O.- Bhirchi, P.S. and District- Nagar Parishad, Madhepura.
 3. Md. Ziaul Haque, S/o Md. Hanif Uddin, R/o Village- Reshna, P.O.- Arar Ghat, P.S.- Gwalpara, District- Madhepura.
 4. Md. Ikramulan, S/o Md. Amrul, R/o Village- Reshna, P.O.- Arar Ghat, P.S.- Gwalpara, District- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Bihar Education Project Council Beltron Bhawan, Shashtri Nagar, Bihar, Patna.
3. The Project Officer -Cum -Programme Officer, Bihar Education Project Council Beltron Bhawan, Shashtri Nagar, Bihar, Patna.
4. The Director, Sarva Siksha Abhiyan (SSA), Govt. of Bihar, Patna.
5. The District Superintendent of Education Cum-District Programme Coordinator (SSA), Madhepura.
6. The District Education Officer, Madhepura.
7. The District Programme Coordinator, Bihar Education Project, Madhepura.
8. The Additional District Programme Coordinator, Bihar Education Project, Madhepura.
9. The District Magistrate, Madhepura.
10. The District Account Officer, Madhepura.
11. The Block Development Officer, Madhepura.
12. The Block Development Officer, Gwalpara, Madhepura.
13. The Block Education Officer, Madhepura.
14. The Block Education Officer, Gwalpara, Madhepura.
15. The Block Education Extension Officer, Madhepura.
16. The Block Education Extension Officer, Gwalpara, Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Siyaram Pandey, Adv.
For the Respondent/s : Mr. Sarvesh Kumar Singh, AAG- 13



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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 27-02-2025

Re: Interlocutory Application No. 01/2024

1. The aforementioned interlocutory application has been pressed by the learned advocate for the appellants for condoning the delay of 54 days in preferring the present appeal.
2. For the reasons stated in the application, the delay of 54 days in filing the present appeal, is condoned.
3. Interlocutory Application No. 01/2024 stands allowed.

LPA No. 982/2024

4. Heard Mr. Siyaram Pandey, the learned Advocate for the appellants and Mr. Sarvesh Kumar Singh, the learned AAG -13 for the State.
5. The appellants were working as *Talimi Markaz Shikshak Swayam Sevaks* under a scheme, on contract, to be renewed yearly.



6. The claim of the appellants was that they had continued to teach in *Maktabas/Madarsas* till 2009 when their services were terminated.
7. It appears from the records that in the list of such *Talimi Markaz Shikshak Swayam Sevaks*, the appellants' names were not included, meaning thereby that they were not selected, which perhaps was wrongly understood by the appellants as their termination. However, we have also noticed that the appellants came before this Court in the year 2017 i.e. after eight years, seeking a direction to the respondents to allow them to work and discharge duties as *Shiksha Swayam Sevaks* in the concerned schools/*Maktabas/Madarsas*.
8. The learned Single Judge rejected the petition on the ground that the petitioners/appellants never held any civil post but worked on contract under a scheme and, therefore, such a prayer could not have been allowed in a petition under Article 226 of the Constitution of India.
9. Agreeing with the aforementioned logic and also taking into account that the writ petition was filed by the



appellants eight years after their names were not included in the list of candidates chosen as *Shiksha Swayam Sevaks* for the year 2009, the appellants do not have any case here against the judgment passed by the learned Single Judge.

10. The appeal is absolutely meritless and is, therefore, dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

sunilkumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2025
Transmission Date	NA

