

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8242 of 2025

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1. Dhruvanath Singh Son of Late Rajabalam Singh, Resident of village-Hariyama, Hari Aman, Post Office-Bagahi, Police Station-Basantpur, District-Siwan.
 2. Abdul Jabbar Son of Late Abdul Sajid, Resident of village-Lakhnaura, Post Office-Kishunpura, Police Station- Lakri Nabiganj, District-Siwan.
 3. Prabhunath Baitha Son of Late Raghunath Baitha, Resident of village and Post Office-Aruan, Police Station- Bhagwanpur Hat, District-Siwan.
 4. Salauddin Son of Late Saheb Hussain, Resident of village-Ushuri, Post Office-Sohail Patti, Police Station-Basantpur, District-Siwan.
 5. Lal Babu Prasad Son of Late Chandrama Prasad, Resident of village and Post Office- Jigrawan, Police Station- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary-cum- the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director Administration cum Additional Secretary, Education Department, Bihar, Patna.
4. The Director, Secondary Education, Government of Bihar, Patna
5. The Director, Primary Education, Government of Bihar, Patna.
6. The Director, Bihar Education Project Council, Bihar, Patna.
7. The Administrative Officer, Bihar Education Project, Council, Bihar, Patna
8. The District Magistrate, Siwan.
9. The District Education Officer, Siwan.
10. The District Programme Officer (Establishment) Siwan.
11. The District Programme Officer, Sarv Shiksha Abhiyan, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s : Mr.Standing Counsel (24)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 14-05-2026

Heard Learned Counsel for the petitioners and
Learned Counsel for the State.



2. The present writ petition has been filed with the following reliefs:-

I. For issuance of an appropriate writ in the nature certiorari for quashing the office order contained in memo no. SSA /906 dated 28.03.2025 issued under the signature of the District Education Officer, Siwan, whereby the direction has been issued not to take services of B.R.P.s (Block Resource Person) after 31.03.2025, without considering the fact that the reference of letter no. 10 dated 20.02.2025 issued by the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna is not applicable on the case of petitioners (retired teachers) rather the same is with regard to the persons, who have been outsourced through different agencies to work as BRP.

ii. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to allow the petitioners to continue to take services of the petitioners as Block Resource Persons in their respective blocks in the district of Siwan even after 31.03.2025 till the Sarv Shiksha Abhiyan is existing and unless and until regular appointment on the post of BRP is made, as the petitioners, who are retired teachers have sufficient experience of monitoring / inspection work.

III. For issuance of any other writ/writs, order/orders, direction/directions for which the



petitioners would entitled in the facts and circumstances of the present case.

3. Learned counsel for the petitioners submits that the petitioners are retired teachers of District-Siwan, who fulfill all the eligibility criteria for their engagement as Block Resource Person (BRP). He further submits that under the scheme of Central Government, namely, Sarv Shiksha Abhiyan, major fund has been provided by Central Government for the purpose of providing basic primary education to children of all sections of the society. The annual work plan and budget of Sarv Shiksha Abhiyan for the State of Bihar has been approved by the Government of India, Ministry of Human Resource Development, Department of School Education and Literacy. He further submits that under Clause 9.3.3 of the minutes of meeting of the Project Approval Board dated 22.04.2013, there was provisions for Block Resource Centres (BRCs) to be formed in all the BRCs. He further submits that the Director, State Project Bihar, Patna has issued a letter and a direction contained in Memo No.4472 dated 05.07.2023 with regard to appointment of BRPs amongst the retired teachers upto the age of 65 years has also been made. The provisions for appointment of District Level Selection Committee has also been made. He further submits that in compliance of the decision of District



State Project, Bihar, publication has been made in daily newspaper by which applications have been invited against 537 posts of BRP in Block Resource Center/ Urban Resource Centre. He further submits that the petitioners were the interested retired teachers who are willing to join as BRP and had sent their applications to the Office of Coordinator-cum-Block Education Officer through registered post/e-mail.

4. Counsel further submits that in the light of the decision of Chief Secretary, Education Department, Bihar Patna contained in Letter No.260/C dated 12.09.2023, the BRPs were appointed and a consolidated monthly honorarium was fixed as Rs.20,000/- per month. The said amount has to be transferred directly in the bank account by the Office of District Programme Officer.

5. Counsel further submits that the petitioners were retired teachers of Siwan district and all were below the age of 65 years and in the light of the advertisement mentioned above, they have participated in the process of selection then, appointment /engagement letters have been issued to them from District Education Officer-cum- Chairman Selection Committee, Siwan vide Memo No.1861 dated 28.07.2023. He further submits that in compliance of the policy, the petitioners started



discharging their duties in the different blocks without any complaint or adverse remarks at any point of time. The petitioners were assigned the responsibility of School monitoring. He further submits that while reviewing the inspection report received from the contract officers / employees working in the district education office or employees working from external sources, it was found that the date mentioned by them in the inspection report is almost fake. Upon local inspection, a lot of difference was found between the inspection report and the ground situation. They were also found lack of awareness and sensitivity in discharging their duties. Thereafter, a letter has been issued vide Memo No.10 dated 20.02.2025 by the Additional Chief Secretary, Education Department, Government of Bihar to relieve all outsourced employees and short term contractual employees from the work of inspection/monitoring. He further submits that the Director Administration-cum- Additional Secretary, Education Department, Bihar has issued a letter No.330 dated 03.03.2025 in which it has been stated that a further decision shall be taken after 31.03.2025 on the justification and on the point of taking work from outsourcing from different agencies as BRP.

6. Counsel further submits that by the letter No.10



dated 20.02.2025 issued by Additional Chief Secretary, Education Department, Bihar Patna, a direction was made to stop the monitoring of school by the BRPs and subsequently, another letter has been issued by the District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Siwan contained in Memo No.906 dated 28.03.2025 by which a decision has been taken that the basic work of BRPs has now been stopped and there is no point of their continuation and it was decided that after 31.03.2025, there is a direction to not take service from the BRPs.

7. Counsel further submits that the petitioners being aggrieved by the said Memo No.906 dated 28.03.2025, challenged the same before this Hon'ble Court on the ground that the said decision is arbitrary, illegal and result of colourable exercise of power. It has also been submitted that the petitioners were engaged for discharging their duties at BRPs upto the age of 65 years and they were under the legitimate expectations that they shall be allowed to continue on the post of BRPs upto the age of 65 years as the post subsequently has to be filled up permanently, but in the meantime, in a complete arbitrary and illegal manner, they have been stopped to continue on the post of BRP. He further submits that the petitioners were the



Government employees and they have protection under Article 311 of the Constitution of India. He further submits that the Director, Mid-day Meal Scheme, Bihar has issued a letter No.789 dated 03.04.2025 by which 11 posts of District Programme Manager, 11 posts of District Accountant and 92 posts of BRPs, who were engaged in the Mid-day Meal have been allowed to continue even after 31.03.2025 till 31.12.2025, but petitioners were stopped to function. This decision of the Government against the principle of natural justice and even before completion of 65 years, removal/stoppage of their work as BRPs need immediate interference of this Hon'ble Court. It has also been submitted that Bihar Education Project is a NGO of the Government and only the high level committee constituted to keep recommendation on the subject related to BRC and CRC. Its budgetary provision has been made as per the policy and according to the petitioners' payment of Block Resource Seva (Retired Teacher) is still available.

8. Counsel further submits that the said letter No.10 dated 20.02.2025 on the basis of which letter impugned dated 31.03.2025 has been issued, is not applicable in the case of the petitioners rather the same is with regard to the persons who have been added as BRPs and for directing the respondent



authorities concerned to allow the petitioners to continue to take services of the petitioners as BRPs in their respective blocks in the district Siwan, even after 31.03.2025 till the Sarv Shiksha Abhiyan is existing and unless and until regular appointment on the post of BRP is made, as the petitioners, who are retired teachers have sufficient experience of monitoring/inspection work.

9. Counsel further submits that there is violation of principle of natural justice as Memo No.906 dated 28.03.2025 is a non-speaking order. It assigns no reason as to why the services of these retired teachers was terminated if the parent scheme (SSA) is still active.

10. In order to substantiate his case, counsel for the petitioner relied on the judgment of Hon'ble Supreme Court of India in case of **State of Haryana Vs. Piara Singh** reported in **(1992) 4 SCC 118** and submits that the temporary /Ad-hoc employee should not be replaced by another temporary/Ad-hoc employee unless there is a regular appointment.

11. Counsel further relied on another judgment of Hon'ble Supreme Court of India in case of **Ramana Dayaram Shetty Vs. IAAI** reported in **(1979) 3 SCC 489** in which it has been held that the State must act strictly within the standards it



sets. In this background, counsel submits that the petitioners may be permitted to continue the work and the letters impugned may be set aside.

12. Learned counsel for the Bihar Education Project Council, on the other hand, submits that a detailed counter-affidavit has been filed in which the State Government in a policy matter decided that services of the outsourcing agencies/ vendors/ personnel for the purpose of monitoring and inspection of schools which was intended to improve the conditions and educational environment of the schools shall not be availed after 31.03.2025. As it was noted that the private personnel/ agencies engaged for such inspections were indulged in fraudulent practices of providing fake and concocted data in which there is vast difference from the actual prevailing status of the schools. The State Government thus, decided to carry out the inspections of the schools by its own officials instead of any private agency/vendor especially in circumstances where there were no funds available for keeping personnel on outsourcing basis.

13. Counsel further submits that engagement of the petitioners were made prescribing condition that during the period of engagement, the works of the concerned persons shall be evaluated and if it is found non-satisfactory, etc., the contract



shall be terminated. He further submits that in order to strengthen the inspection mechanism, the officers and employees of the Education Department, Government of Bihar were also assigned the task of inspecting the schools. The objection behind such inspections was to ensure whether the schools were functioning up to the specified standard or not and another prime objective of removing the difficulties which was prevailing in conducting the schools so that appropriate educational environment is provided for quality education of the students of those schools to attain these objectives, not only attendance of the students and teachers but also basic infrastructure of the schools were inspected. The essential activities for overall quality education such as academic activities, extra curricular activities, conducting classes etc. were also inspected regularly by the State officials.

14. Counsel further submits that upon analysis of collected data from each inspection was uploaded on e-shikshakosh web portal of the Education department. The said inspection work had been carried out diligently and upon review of the inspection data, it was found that there is huge difference in the data provided by the concerned official and the data provided by the nodal/ State officials which requires a strict



departmental action. It has been found by the respondent that the inspection report submitted by the private personnel & petitioners showed vast difference from the actual prevailing status of the schools and only in this background, upon analysis of those data collected by different agencies including the petitioners being BRP, the State policy regarding inspection of the schools was re-structured vide letter No.10 dated 20.02.2025 and it was decided that inspection shall not be carried out by the private personnel who were engaged on outsourcing/contractual basis and instead thereof, it shall be carried out by the officials of the Education Department and BEP as nominated at Column 3 of the letter dated 20.02.2025.

15. Counsel further submits that a policy decision has been taken by the State and considering the financial status that services of BRP may not be continued. He further submits that the petitioners were not appointed on the Civil post and no protection of Article 311 of the Constitution of India is available to them as they were a contractual employee for particular purpose after completing the age of retirement of 60 years with specific condition.

16. Counsel further submits that the question which the petitioners raised, has already been tested by this Hon'ble



Court in another writ petitions bearing CWJC No.4556 of 2025 dated 25.03.2025 and CWJC No.11361 of 2025 dated 28.07.2025 (Annexure-R/6-7/E of the writ petition) in which this Hon'ble Court has pleased to hold that this Hon'ble Court shall not interfere in the policy decision if the Bihar Education Project Council (BEPC) has taken decision not to continue with the BRP. In this background, this writ petition is not maintainable and fit to be dismissed.

17. After hearing the parties and going through the letters impugned, it transpires to this Court that the petitioners were admittedly retired teachers and their services have been taken as BRP on contractual basis. Therefore, the claim of the petitioners that protection is granted to the petitioners as like that of Government employee under Article 311 of the Constitution of India, is not available to them. They have been assigned for doing specific work. The said work had not been found satisfactory and the collection done by them and by other outsourcing agencies of the same school, found to be in complete contradiction. Therefore, the Government decided that such types of collection shall be a futile exercise, therefore, as a policy matter, decision has been taken not to continue further. This Court appreciates the decision of the Bihar Education



Project Council that this decision has been taken at the earliest so that huge money loss shall not take place. It also transpires to this Court vide office order contained in Letter No.10 dated 20.02.2025 that work of the project council has not been hampered rather this decision has been taken only to take the work from those persons as mentioned in column 3 of the said letter.

18. Upon perusal of those judgments in which the petitioners put emphasis *i.e.*, **State of Haryana Vs. Piara Singh (supra)** and **Ramana Dayaram Shetty Vs. IAAI (supra)**, this Court finds that it shall not help the petitioners in any way due to the reason that in the referred case, petitioners were regular employee, but in the present case, they have already retired.

Similarly, another judgment on which petitioners' relied *i.e.*, **State of Haryana Vs. Piara Singh (supra)** shall also not help the petitioners in any manner as the said judgment was for the temporary/Ad-hoc employees. Here in the present case, the petitioners are neither temporary nor Ad-hoc employees rather contractual person after retirement and no replacement has been made at the place of petitioners.

19. Here in the present case, petitioners were allowed to work on contract as BRP for particular purpose and in



verification, it has been found that the entire purpose has failed and it is due to this reason as the authorities have decided not to take work from the retired persons. This Court finds that the appointment of the petitioners was additional and the purpose for which appointment has been made, was going to be failed as there were contradictory report submitted by them then, continuation of the petitioners shall be a futile exercise and loss of public money.

20. It further transpires to this Court that vide Annexure-P/6 *i.e.*, Memo No.1861 dated 28.07.2023 that it was mentioned in Clause 7 that if services shall not found satisfactory then, it shall be stopped with immediate effect. When decision for appointment of petitioners for collection of data has been made, but upon inspection, strong discrepancies in those data has come. Therefore, in the opinion of the Court, permission to continue for further collection of data shall be a futile exercise and it should be immediately stopped, that has been done by the officials (respondent Nos.6 and 7). In addition to that, it is the public exchequer which has to be taken care of. It is not the case of the petitioners that the project council has taken work and not make payment rather it was decided much prior that from a future date, they shall not continue to work,



and therefore, this Court is not inclined to interfere in the impugned orders and hence, dismissed the present writ petition.

21. With the aforesaid directions and observations, the present writ application stands dismissed.

(Dr. Anshuman, J)

Prakashmani/-

AFR/NAFR	NAFR
CAV DATE	21.04.2026
Uploading Date	14.05.2026
Transmission Date	NA

