
(2014) 07 SHI CK 0056

In the High Court Of Himachal Pradesh

Case No : CWP Nos. 33, 364, 365, 366, 369, 602, 603 and 1027 of 2014

Shiv Kumar

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 15-07-2014

Acts Referred:

Citation : (2014) 07 SHI CK 0056

Hon'ble Judges : Sureshwar Thakur, J;Rajiv Sharma, J

Bench : Division Bench

Advocate : Bhuvnesh Sharma and Sanjeev Bhushan, Advocate for the Appellant; Shrawan Dogra, Advocate General, Anup Rattan, Addl. Advocate General, Sandeep Sharma, ASGI and Varun Chandel, Central Government Counsel, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—Since common questions of law and facts are involved in these petitions, the same were taken up together for hearing and are being disposed of by a common judgment.

2. Process for filling up the posts of Block Resource Centre Coordinators (BRCCs) was initiated on the basis of Annexure P-2. According to Annexure P-2, all the Principals of Non-DPEP were directed to initiate process for filling-up the posts of BRCCs after making vast advertisement in all the blocks of the districts and constituting selection committees under the Chairmanship of the concerned Deputy Commissioner, both Deputy Directors of Education at the district level as members and Principal DIET as member Secretary. The incumbent, so selected, were required to have at least 10 years of service for retirement to maintain continuity and ensure that the same person could be available for the entire project period.

3. In sequel to Annexure P-2, further directions were issued vide Annexure P-3 for implementing the Sarva Shiksha Abhiyan (SSA). Petitioners also participated

in the selection process and were appointed as BRCCs. The State Project Director (SSA) sent a communication to the Director Primary Education, Himachal Pradesh vide Annexure P-4 dated 14.7.2003 bringing to his notice that on completion of DEPE, BRCCs/CRCs were repatriated to their parent department after 30.6.2003. However, in view of the fact that the outgoing BRCCs/CRCs had received a lot of training through involvement of heavy expenditure, it was worthwhile to place their services in SSA also. Therefore, the Director Primary Education was requested to put BRCCs again in SSA on secondment basis. The District Project Officer (SSA)-cum-Principal, DIET, Bilaspur at Jukhala sent a communication dated 15.3.2005, Annexure P-5 to the Director of Education, Himachal Pradesh bringing to his notice that he did not see any reason for changing BRCCs unless if they were not able to perform their duties and there was any specific complaint. The Deputy Commissioner, Shimla, also sent a communication, Annexure P-6 to the Principal Secretary (Education), Himachal Pradesh in the month of January 2004 that the coordinators associated with SSA work at district and block level should not be repatriated or transferred before completion of SSA as lot of financial and other inputs have been spent for their capacity building. However, fact of the matter is that the State Government took a decision on 5.10.2004 to the following effect:-

Now, that the DPEP has come to an end and Sarva Shiksha Abhiyan has also completed more than two years, there is need to review the appointment of Block Resource Coordinators so that the Sarva Shiksha Abhiyan could be implemented with full zeal and targets achieved in time. Change of Block Resource Coordinators may be necessitated due to promotion, retirement etc as also due to crossing of age by some officials. At the same time some new teachers who may have completed 10 years service may also want to devote their services towards Sarva Shiksha Abhiyan activities. In DPEP Districts, BRCs may already have completed number of years of service, which also needs change for the better implementation of the programme and infusion of new teachers.

It has, therefore, been decided by the Government that the BRCs may be replaced by new set of teachers especially in DPEP Districts, wherever necessary. You are, therefore, requested to immediately initiate the process of filling up of posts of Block Resource Coordinators on secondment basis after giving due publicity in the respective Blocks. It may be ensured that the JBT teachers who are to be selected as Block Resource Coordinators should have served for at least 10 years and who also have at least 10 years service left for retirement in order to ensure continuity.

4. The letter dated 5.10.2004 has been quoted from the judgment dated 27.8.2007 delivered in CWP No. 885 of 2006 and analogous matters. The petitioner and similarly situate persons assailed letter dated 5.10.2004 by way of CWP No. 885 of 2006 and analogous matters. These petitions were decided on 27.8.2007. The Division Bench took into consideration various communications

while issuing as many as six directions. These directions read as under:-

- i) When the incumbent BRCC retires, he is to be replaced by a fresh appointee;
- ii) When the incumbent BRCC is promoted he may not want to forego his promotion and in such an eventuality, he will obviously have to be posted out and in his place a fresh BRCC shall have to be appointed;
- iii) There may be cases where the BRCC personally requests for being transferred out on some personal grounds;
- iv) The Project Director and the authorities who oversee the functions of the SSA have also the right to review the functioning of the BRCCs. In case, they find on the basis of tangible material that a particular person has been unable to perform adequately and has failed to deliver the expected results then even on the ground of non-performance, such a BRCC can be ordered to be repatriated to the parent department. However, before doing so, the entire material on the basis of which his performance is evaluated must be gone into;
- v) There may be case where there are allegations of misconduct against the BRCC. In such cases also, the BRCC may be repatriated;
- vi) There may be cases where the BRCC acts in such a manner which adversely affects the target of the SSA. In such a case or any other case where the objectives of the SSA are likely to be adversely affected by the functioning of a particular employee as BRCC, the said person may be repatriated.

However, in normal course, if the person holding the post of BRCC is working satisfactorily, he shall not be repatriated till the goals of the scheme are fully achieved and it comes to an end.

With these observations, all the writ petitions are disposed of in the aforesaid terms. The State Government is directed to examine each case on its own merit in light of the observations made hereinabove.

5. The respondent-State framed a policy vide communication dated 31.10.2013. The minimum qualification and teaching experience have been enumerated in paras i) and ii) of the policy. Para v) deals with tenure. It reads as under:-

- a) A BRCC shall be appointed initially for a period of one year.
- b) Tenure of BRCC's is extendable upto two years on the basis of performance evaluation which should at least be judged as "good".
- c) If the performance of the BRCC is not found good, or his/her working is not found in the interest of the project(s), he can be repatriated back to his/her parent department at any stage.
- d) On exceptional performance as BRCC, it can be further extended upto another two years by the recommendation of State Project Director.

e) The BRCC's shall be repatriated after 2/4 years as the case may be. After repatriation, the BRCCs can re-apply after cooling off period of 3 years.

f) A BRCC's whose performance was not found satisfactory or who was found to have been working against the interest of the project or against whom departmental proceedings have been initiated by the department shall not be eligible to apply after the prescribed cooling off period of 3 years.

6. The procedure for constitution of selection committee at district level has been mentioned in para VI of the policy. The selection criteria has been laid in para VII of the policy. Para VIII deals with appointment of BRCC's. The recommendations of the selection committee are to be forwarded by the concerned DPO (SSA) to the State Project Office (SSA) which in turn shall forward the same with recommendations/remarks to the Directorate of Elementary Education for issuing the appropriate orders of the appointment. No teacher can be appointed as BRCC on ad-hoc basis and no teacher can be given charge of BRCC on temporary basis if not recommended by the selection committee. BRCC primary and upper primary can be entrusted to look after the work of each other in case of vacancy at either level. In sequel to Annexure P-8, an advertisement has been issued vide Annexure P-9 for filling-up the posts of BRCCs Primary and Upper Primary in 3 blocks of Kinnaur District as per the new policy guidelines. Last date of receipt of application was on or before 15.1.2014.

7. Mr. Bhuvnesh Sharma and Mr. Sanjeev Bhushan, learned Advocates, appearing on behalf of the petitioners have vehemently argued that the policy framed by the State on 16.11.2013 is detrimental to the aims and objects sought to be achieved under the SSA. They contended that the State has tried to overreach the judgment delivered by this Court in CWP No. 885 of 2006 and analogous matters, dated 27.8.2007. They also contended that a lot of money has been spent on the training of BRCCs and they should be permitted to discharge their duties till the project is over.

8. Mr. Shrawan Dogra, learned Advocate General, has supported the policy dated 16.11.2013.

9. We have heard learned counsel for the parties and have also gone through the pleadings carefully.

10. It is evident from the phraseology employed in Annexures P-2 and P-3 that the selected incumbent were required to have at least 10 years of service for retirement to maintain continuity and ensure that the same person could be available for the entire project period. This has been highlighted again in communications, Annexures P-4, P-5 and P-6. The respondent-State as noticed hereinabove has issued letter dated 5.10.2004 stating therein that since the DPEP has come to an end and Sarva Shiksha Abhiyan has also completed more than two years, there was need to review the appointment of BRCCs so that the SSA could be implemented with full zeal and targets achieved in time. Change of BRCCs was necessitated due to promotion, retirement and crossing of age by

some officials. At the same time some new teachers who have completed 10 years service might want to devote their services towards SSA activities. In is in these circumstances, the BRCCs were intended to be replaced by new set of teachers especially in DPEP Districts, wherever necessary. The process was ordered to be initiated for filling up the posts of BRCCs on secondment basis after due advertisement.

11. Learned Advocates appearing on behalf of the petitioners also drawn attention of this Court to the directions issued by this Court in CWP No. 885 of 2006 and analogous matters, decided on 27.8.2007.

12. The SAS came into existence in the year 2001-02. The purpose and objects of SAS were universal access, enrollment and retention. The principal stand of the respondent-State in its reply is that the issue of quality in education is required to be addressed by the State by intending to send BRCCs back to the classrooms to impart education to the children. The BRCCs are teachers and their primary job is to teach the children in the schools. They have got the sufficient experience as BRCC and the Government intends to utilize the same in the class rooms. The BRCCs are more than 220 in number. The BRCCs, who have already been appointed, can re-apply after cooling off period of 3 years. The fresh selection would give chance to new incumbents to work on the administrative-cum-managerial posts. It would give them exposure to different fields and they would get the experience. Experience and exposure to different training workshops definitely be utilized in the near future. This process is required to be changed in order to impart quality education in the government schools and the BRCCs being experienced teachers can definitely help the state in this direction. It is also stated that neither the judgment dated 27.8.2007 has been deviated nor diluted and framing of new policy has been necessitated due to changed scenario. It is also stated in the reply that SSA in State of Himachal Pradesh has achieved most of the objectives and the one that remains is to impart education to the children. It is denied that the Central Government is contributing 90% of the budget to the project. The Central and the State Governments are contributing in 65:35 ratio respectively.

13. The petitioners in CWP No. 364 of 2014 have moved an application bearing CMP No. 9184 of 2014 for placing on record the additional documents.

14. Mr. Sanjeev Bhushan, learned Advocate, has drawn attention of the Court to the training of one of the petitioners. It is evident from these documents that the petitioners have gone for few days training in a year. None of the petitioners has undertaken training beyond 42 days in a year.

15. Mr. Sanjeev Bhushan, learned Advocate, has drawn attention to the recommendations of the selection committee at page 83 of the paper-book of CWP No. 364 of 2014, whereby it is highlighted that the persons should be retained till completion of the project.

16. According to minutes of the meeting of State Education Secretaries held on

28.1.2010 to 30.1.2010, it is highlighted that although most BRCCs and CRCs are operational, their effectiveness is an area of concern. The quality of school visits undertaken by CRC and BRC faculty and the training programmes conducted by them needs considerable improvement. There is need for instituting a system whereby experienced and competent regular staff is posted to BRCs/CRCs. The State needs to focus on the academic role of BRCs/CRCs giving priority to school visits and academic support. 29% of the schools were not visited even once during the year by the CRCs, whereas CRC was required to visit all schools once in a month. In the 16th Joint Review Mission of SSA, the mission has urged MHRD to find some way in dialogue with the States, or providing incentives to States to lengthen the tenure of SPDs. It is evident from para 1.6.1 that the SSA has been operational since 2000-01. With the passage of RTE Act, changes need to be incorporated into the SSA approach, strategies and norms. The changes are not merely confined to norms for providing teachers or classrooms, but encompass the vision and approach to elementary education as evidenced in the shift to child entitlements and quality elementary education in regular schools. The focus of the new policy dated 16.12.2013 is also to achieve the same. It is also highlighted in para 4.4.8 that positions in these Institutions are created for a long term commitment and that the present practice of short term deputation to teachers, especially in NRCs and CRCs, is discontinued. We are in entire agreement with the focus of the respondent-State to shift back the BRCCs to impart quality education in the schools. The new teachers are required to be appointed in BRCs. The teachers already appointed have lost their ability to teach the students. They cannot be permitted to remain on secondment basis for years together. The scheme is implemented through the State Government. The State Government has the prerogative the manner in which the teachers have to be spared by making their appointments on deputation and secondment basis. However, we are at caveat that it is to be done by taking into consideration the overall aims and objects of the SSA. The SSA has achieved most of the goals in the State, but the schools lack in quality education.

17. We have gone through the policy dated 16.11.2013 carefully. According to the policy, a BRCC is to be appointed initially for a period of one year. Tenure of BRCC is extendable upto two years on the basis of performance evaluation which should at least be adjudged as "good". If the performance of the BRCC is not found good, or his/her working is not found in the interest of the project(s), he can be repatriated back to his/her parent department at any stage. On exceptional performance as BRCC, the tenure can be further extended upto another two years by the recommendation of State Project Director. The BRCC's are to be repatriated after 2/4 years as the case may be. After repatriation, the BRCCs can re-apply after cooling off period of three years.

18. What emerges from the plain reading of the policy is that the tenure of BRCCs initially shall be for a period of one year and the same can be extended upto two years on the basis of performance. However, on exceptional performance, it can be further extended upto another two years by the

recommendation of State Project Director. Thus, in totality, the BRCC can work upto 2-4 years on the basis of performance and thereafter, they are liable to be repatriated. However, after repatriation, the BRCC can again apply after cooling off period of three years. We impress upon the State that the teachers should not be repatriated before three years in order to maintain continuity in the implementation of the project. One or two years would be a shorter period to impart training for few days and then post them on secondment basis in various institutions as BRCCs. The respondent-State by framing policy dated 16.11.2013 has tried to balance the equities by repatriating the teachers, who have already working as BRCCs for years together and infuse new blood by appointing fresh teachers as BRCC after selecting them as per criteria laid down. The State has taken a policy decision dated 16.11.2013. The policy dated 16.11.2013 is neither unconstitutional nor violative of articles 14 and 16 of the Constitution of India. The court should not substitute its own judgment for the wisdom of the executive in policy matters, so long as the infringement of constitutional or fundamental right is not shown. The scope of judicial review in these matters is very limited.

19. Their Lordships of Hon''ble Supreme Court in Delhi Development Authority, N.D. and Another Vs. Joint Action Committee, Allottee of SFS Flats and Others, have held that broadly, a policy decision is subject to judicial review on the grounds-(a) if it is unconstitutional; (b) if it is dehors the provisions of the Act and the regulation; (c) if the delegatee has acted beyond its power of delegation; and (d) if the executive policy is contrary to the statutory or a larger policy.

20. Their Lordships of Hon''ble Supreme Court in State of U.P. and Others Vs. Chaudhari Ran Beer Singh and Another, have held that so long as infringement of fundamental rights is not shown, courts will have no occasion to interfere. Their Lordships have held as under:-

13. Cabinet''s decision was taken nearly eight years back and appears to be operative. That being so there is no scope for directing reconsideration as was done in Ram Milan case, though learned counsel for the respondents prayed that such a direction should be given. As rightly contended by learned counsel for the State, in matters of policy decision, the scope of interference is extremely limited. The policy decision must be left to the Government as it alone can decide which policy should be adopted after considering all relevant aspects from different angles. In matter of policy decisions or exercise of discretion by the Government so long as the infringement of fundamental right is not shown, courts will have no occasion to interfere and the court will not and should not substitute its own judgment for the judgment of the executive in such matters. In assessing the propriety of a decision of the Government the court cannot interfere even if a second view is possible from that of the government.

21. Their Lordships of Hon''ble Supreme Court in A.P. Public Service Commission Vs. Balaji Badhavath and Others, have held that a procedure evolved for laying down the mode and manner for consideration of a right can be interfered with only when it is arbitrary, discriminatory or wholly unfair. Their Lordships have

held as under:-

25. How the Commission would judge the merit of the candidates is its function. Unless the procedure adopted by it is held to be arbitrary or against the known principles of fair play, the superior courts would not ordinarily interfere therewith. The State framed Rules in the light of the decision of the High Court in *S. Jafeer Saheb (supra)*. Per se, it did not commit any illegality. The correctness of the said decision, as noticed hereinbefore, is not in question having attained finality. The matter, however, would be different if the said rules per se are found to be violative of Article 16 of the Constitution of India. Nobody has any fundamental right to be appointed in terms of Article 16 of the Constitution of India. It merely provides for a right to be considered therefore. A procedure evolved for laying down the mode and manner for consideration of such a right can be interfered with only when it is arbitrary, discriminatory or wholly unfair.

22. Their Lordships of Hon"ble Supreme Court in *Transport and Dock Workers Union and Others Vs. Mumbai Port Trust and Another*, have held that Judges must maintain judicial self-restraint while reviewing administrative or legislative decisions. Excessive interference is not proper. Their Lordships have held as under:-

33. In our opinion, Article 14 cannot be interpreted in a doctrinaire or dogmatic manner. Absolute and inflexible concepts are an anathema to progress and change. As observed by the great Justice Holmes of the U.S. Supreme Court, the machinery of the government would not work if it were not allowed some free play in its joints vide *Missouri, Kansas and Tennessee Railroad vs. May* 194 U.S. 267(1904).

34. Excessive interference by the judiciary in the functions of the executive is not proper. In several decisions, we have held that there must be judicial restraint in such matters, vide *Divisional Manager, Aravali Golf Club and Another Vs. Chander Hass and Another*, . In *Government of Andhra Pradesh and Others Vs. Smt. P. Laxmi Devi*, the doctrine of judicial review of statutes has been discussed in great detail, and it has been observed that the judiciary must show great restraint in this connection.

37. In our opinion it is not prudent or pragmatic for the Court to insist on absolute equality when there are diverse situations and contingencies, as in the present case. In view of the inherent complexities involved in modern society, some free play must be given to the executive authorities in this connection.

41. In our opinion Judges must maintain judicial self restraint while exercising the powers of judicial review of administrative or legislative decisions. "In view of the complexities of modern society", wrote Justice Frankfurter, while Professor of Law at Harvard University, "and the restricted scope of any man's experience, tolerance and humility in passing judgment on the worth of the experience and beliefs of others become crucial faculties in the disposition of cases. The successful exercise of such judicial power calls for rare intellectual

disinterestedness and penetration, lest limitation in personal experience and imagination operate as limitations of the Constitution. These insights Mr. Justice Holmes applied in hundreds of cases and expressed in memorable language: It is misfortune if a judge reads his conscious or unconscious sympathy with one side or the other prematurely into the law, and forgets that what seem to him to be first principles are believed by half his fellow men to be wrong.

46. In legal scholarship, Roscoe Pound challenged the rigid formalism of Justice Field. Pound strongly argued against a jurisprudence founded upon immutable first principles and sought in the social sciences and related fields a means for making the law responsive to a changing world.

23. Their Lordships of Hon^{ble} Supreme Court in State of Jharkhand and Others Vs. Ashok Kumar Dangi and Others, have held that in framing a policy various inputs are required. It is neither desirable nor advisable for a court to direct government to adopt a particular policy which it deems fit or proper. It is well settled that the government must have liberty and freedom in framing the policy. The Courts are ill-equipped to deal with competing claims and conflicting interests. They do not have satisfactory and effective means to decide which alternative, out of many competing ones, is best in the circumstances of the case. These competing claims need to be addressed by the policy-makers. Their Lordships have held as under:-

17. The High Court has found that the Government of Jharkhand, till date, had not framed any policy regarding the number of posts to be filled by Physical Trained Candidates. How many posts of Primary School Teachers be filled up by Physical Trained candidates, in our opinion, is essentially a question of policy for the State to decide. In framing of the policy, various inputs are required and it is neither desirable nor advisable for a Court of law to direct or summarise the Government to adopt a particular policy which it deems fit or proper. It is well settled that the State Government must have liberty and freedom in framing policy. Further, it also cannot be denied that the courts are ill-equipped to deal with competing claims and conflicting interests. Often, the Courts do not have satisfactory and effective means to decide which alternative, out of the many competing ones, is the best in the circumstances of the case.

18. One may contend that providing primary education to the children is essential for the development of the country. Whereas others argue that physical training of the children in the Primary School is must as that would make the nation healthy. As in the present case, the candidates trained in teaching claim that the posts of Primary School Teachers be filled by them and Physical Trained Candidates be considered for Physical Trained Teachers only as they in absence of any training in education not equipped to teach in Primary Schools, whereas Physical Trained Teachers contend that they should be considered for appointment against both the posts. These, competing claims, in our opinion, need to be addressed by the policy makers. Further, we do not have the statistics as regards to the number of Primary Schools, the resources which the

Government can spend for providing Physical Trained Teachers and their need. In such a situation, any direction in matters of policy is uncalled for.

24. Their Lordships of Hon"ble Supreme Court in CMD/Chairman, B.S.N.L. and Others Vs. Mishri Lal and Others, have held that change of mode of recruitment from promotion to limited internal competitive examination was a policy matter which ought not to have been interfered with by the High Court. Their Lordships have held as under:-

14. In the present case, a conscious decision was taken in 2005 providing that all the posts in question should be filled up by Limited Internal Competitive Examination. This was a policy decision and we cannot see how the High Court could have found fault with it. It is well settled that the Court cannot ordinarily interfere with policy decisions.

25. Their Lordships of Hon"ble Supreme Court in Brij Mohan Lal Vs. Union of India (UOI) and Others, have held that it is for the Government to adopt any particular policy as it may deem fit and proper and the law gives it liberty and freedom in framing the same. Normally, the courts would decline to exercise the power of judicial review in relation to such matters. The power of the government, regarding how the policy should be shaped or implemented and what should be its scope, is very wide, subject to it not being arbitrary or unreasonable. Their Lordships have also summed up certain tests whether the courts should or not interfere in the policy decisions of the State. Their Lordships have held as under:-

96. It is a settled principle of law that matters relating to framing and implementation of policy primarily fall in the domain of the Government. It is an established requirement of good governance that the Government should frame policies which are fair and beneficial to the public at large. The Government enjoys freedom in relation to framing of policies. It is for the Government to adopt any particular policy as it may deem fit and proper and the law gives it liberty and freedom in framing the same. Normally, the Courts would decline to exercise the power of judicial review in relation to such matters. But this general rule is not free from exceptions. The Courts have repeatedly taken the view that they would not refuse to adjudicate upon policy matters if the policy decisions are arbitrary, capricious or mala fide.

99. It is also a settled cannon of law that the Government has the authority and power to not only frame its policies, but also to change the same. The power of the Government, regarding how the policy should be shaped or implemented and what should be its scope, is very wide, subject to it not being arbitrary or unreasonable. In other words, the State may formulate or reformulate its policies to attain its obligations of governance or to achieve its objects, but the freedom so granted is subject to basic Constitutional limitations and is not so absolute in its terms that it would permit even arbitrary actions.

100. Certain tests, whether this Court should or not interfere in the policy

decisions of the State, as stated in other judgments, can be summed up as:

(I) If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

(II) The change in policy must be made fairly and should not give impression that it was so done arbitrarily on any ulterior intention.

(III) The policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc.

(IV) If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.

(V) It is de hors the provisions of the Act or Legislations.

(VI) If the delegate has acted beyond its power of delegation.

26. Their Lordships of Hon"ble Supreme Court in Manohar Lal Sharma Vs. Union of India and Another, , have held that the court does not interfere unless policy is unconstitutional or contrary to statutory provisions or arbitrary or irrational or in the abuse of power. Their Lordships have held as under:-

14. On matters affecting policy, this Court does not interfere unless the policy is unconstitutional or contrary to the statutory provisions or arbitrary or irrational or in abuse of power. The impugned policy that allows FDI up to 51% in Multi-Brand Retail Trading does not appear to suffer from any of these vices.

27. Similar principles have been reiterated by their Lordships of Hon"ble Supreme Court in The Secretary, Department of Atomic Energy and Others Vs. M.K. Bawane, .

28. The policy framed on 16.11.2013 cannot be said to be in derogation of the judgment dated 27.8.2007 delivered in CWP No. 885 of 2006 and analogous matters. It is always open for the State Government to evolve a new procedure to meet out changed scenario. It cannot be said that the State Government has tried to overrule the judgment dated 27.8.2007 by framing policy dated 16.11.2013. The Division Bench of this Court in CWP No. 885 of 2006 and analogous matters was only dealing with the letter dated 5.10.2004 and the new policy has been framed only on 16.11.2013. The petitioners are continuing as BRCCs for the last so many years. They have no vested right to remain and work as BRCCs for years together. They are merely sent on secondment basis by the Principal employer, i.e. State Government. Their only job as BRCCs is to collect data, supervise infrastructure, facilitate the teaching learning process, disseminate the information received from higher authorities, coordinate teacher's training in their block, provide data of children to the district level authorities and to bring into the notice of higher authorities, discuss the school level problems at the block level and report the same to higher authorities. The training and experience gained by already appointed BRCCs is bound to be utilized by the State by posting them in the schools in order to impart quality

education.

29. In view of analysis and observations made hereinabove, there is no merit in the writ petitions and the same are dismissed. However, by way of an abundant precaution, it is made clear that the tenure of teachers as BRCCs sent on secondment/deputation shall not be less than three years in order to further achieve the aims and objects of the SSA. The respondent-State is directed to initiate process for filling up the posts of BRCCs within a period of eight weeks from today. Pending application(s), if any, also stands dismissed. No order as to costs.