
(2019) 07 PAT CK 0043

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 12530 Of 2019

Vijay Kumar Das And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 04-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0043

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Prashant Sinha, Vivek Anand Amitesh

Final Decision : Disposed Off

Judgement

1. A supplementary affidavit has been filed during the course of hearing. Let it be taken on record.
2. Heard Mr. Prashant Sinha, learned counsel for the petitioner and Mr. Vivek Anand Amitesh, learned AC to SC 28.
3. The 38 petitioners have invoked the jurisdiction of this Court for issuance of a writ of certiorari for quashing the letter no. 1682 dated 02.08.2018 issued by the Director, Mass Education, Government of Bihar, Patna whereby he has declared that the employees working in the Sakshar Bharat Scheme are no more required in service and therefore they should handover the charge. Additionally, a further prayer has been made for directing the concerned respondent that he should consider that the scheme viz. Sakshar Bharat Scheme may not have been extended further but the Central Government is contemplating a new scheme in place of the old scheme and therefore the petitioners be retained and not retrenched so that their experience in the Sakshar Bharat Scheme could be utilized to the fullest. The other prayers are only sequel to the aforesaid prayers. It has also been requested that some of the petitioners who have worked under the scheme have not been paid their remuneration for few months, which should be paid forthwith.

4. The grounds on which this writ petition has been structured is that the menace of illiteracy in the society has not yet been eradicated and hence stopping such scheme amounts to abandoning a project which was functioning properly and that the Government as a model employer ought to take advantage of the experience gained by these petitioners who are contractual appointees under the scheme in extending such literacy programmes for the benefit of people.

5. From the records, it appears that the Sakshar Bharat Scheme which is a centrally sponsored scheme was introduced in the State of Bihar and for the implementation of which the Central Government allocated funds. Various responsibilities were entrusted to the contractual employees under the scheme and as noted above, such scheme has not been extended beyond March, 2018.

6. Learned counsel for the petitioners has submitted that they in various capacities under the scheme have worked but after September 2016, even when the scheme was functional, the petitioners have not been paid their honorarium. Only when a demand was made for a hike in the honorarium, a decision was taken by the Director, Mass Education to terminate the services of the petitioners as the Central Government scheme has not been extended.

7. It has also been brought to the notice of this Court that a High Powered Committee has been constituted by the Government to look into the manner and mode of adjusting contractual employees, either whose contract is for a limited period or such employees who are or were working under a scheme funded by the Central Government or international organization. With respect to the contractual employees and the likes of the petitioners, no decision was taken by the committee only on the ground that their employment under a scheme has not been extended.

8. It has further been urged on behalf of the petitioners that since the Central Government while answering on the floor of the Rajya Sabha to an un-starred question, has declared that a similar scheme like Sakshar Bharat Scheme is likely to be launched, the petitioners ought to be retained in service.

9. This Court is afraid, such direction cannot be given to the State Government in the absence of any extension of the scheme or launch of a new scheme.

10. All that this Court can direct is that in case such a scheme is reintroduced by extending its term or launching another scheme of similar nature, the State Government in its Education Department shall consider the candidature of the petitioners because of the experience that they have gained in imparting adult education and removing the illiteracy from the State of Bihar. In that event, it would be open for the petitioners to appear before the concerned authorities and request them to give the petitioners weightage for their experience that they have gained and perhaps relaxation of the age requirement if fixed under the scheme.

11. However for the period that the petitioners have worked during the

subsistence of the scheme, they are required to paid for the same. Since some of the petitioners have not been paid their honorarium from September 2016, this Court directs such petitioners who have not been paid their honorarium to make a representation before the Director, Mass Education, Education Department, Government of Bihar, Patna (respondent no. 5), who would ensure prompt payment of the honorarium for the period that the petitioners have worked.

12. With the aforesaid direction/observation, the writ petition is disposed of.