

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 65 of 2013

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1. Rajnath Prasad Sah S/O Late Baidyanath Prasad R/O Village- Kumkumpur, P.S.-
Basantpur, District- Siwan

2. Sipahi Pandit S/O Late Sudama Pandit R/Ovillage- Maghar, P.S.- Bhagwanpur,
District- Siwan

.... Appellant/s

Versus

1. The State Of Bihar

2. The Director (Secondary Education) Human Resources Development
Department, Govt. Of Bihar, New Secretariat, Patna

3. The Deputy Director (Secondary Education) Human Resources Development
Department, Govt. Of Bihar, New Secretariat, Patna

4. The District Education Officer, Siwan

5. The Head Master, S.S. High School, Bhagwanpur Hat, P.S.- Basantpur, District-
Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Rajendra Prasad, Sr Advocate with
M/s Ritesh Kr & Pramod Kumar, Advocates

For the Respondent/s : Mr Swapnil Kumar Singh, AC to GP 1

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CORAM: HON'BLE MR JUSTICE HEMANT GUPTA
&
HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE HEMANT GUPTA)

Date: 03-03-2016

The order dated 12th of October, 2012 passed by the
learned Single Judge is challenged in this Letters Patent Appeal.

2 The appellants have sought quashing of the order
dated 13.04.2010 passed by the Director, Secondary Education, Bihar
to the extent that appellants shall not be paid any wages for the period
they do not work.

3 The appellants were appointed as Night Guards. It was ordered that each of the Guard will work for 15 days during night hours and for the rest as Orderly during the day time and vice versa. The grievance of the appellants is that duty during night hours is not suitable to them as it causes hardships to their family.

4 We find the argument raised by the appellants is preposterous and totally untenable in law. A Government servant is expected to discharge duty assigned to him. To say, that night duty is not favourable to them, would amount to dereliction of duty.

5 In view of the said fact, we do not find any error in the order of the learned Single Judge warranting interference in this Letters Patent Appeal. This Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

M.E.H./-

(Navaniti Prasad Singh, J)

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