

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9393 of 2016

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1. Sri Bhagwan Yadav, Son of Ramchandra Yadav, Resident of Village- Brahmpur, P.S. Brahmpur District Buxar.
 2. Sri Gunjun Kumar Rai, Son of Sri Satendra Rai, Resident of village- Simri (Dudhipatti) P.S. Simri, District Buxar.

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Buxar.
3. The Deputy Collector , Land Reforms Buxar.
4. District Education Officer, Buxar.
5. Block Education Officer, Bramhpur.
6. Block Education Officer, Simri.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bachan Jee Ojha, Advocate
For the State : Mr. S.D. Yadav, A.A.G. IX

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 19-01-2017

Heard learned counsel for the petitioners and the State.

Claim of the petitioner no.1 is that he is working as Night Guard on daily wages basis since 1999. It is contended that payments were made till 11.09.2011 but, thereafter, no payment is being made, whereas, the case of the petitioner no.2 is that he is working as Night



Guard on daily wages since 2009 but not a single penny has been paid to him though he is still working as such.

Counter affidavit has been filed on behalf of the respondent no.4. It is admitted in the counter affidavit that, since there were possibilities of theft in the respective offices, a decision was taken to engage Night Guards on daily wages till permanent appointment is made on that post. It is stated in paragraph no. 12 that petitioner no.1 is not entitled for honorarium whereas petitioner no.1 is merely asking for his payment of daily wage basis. It is surprising as to how such stand has been taken by the concerned Block Education Officer. So far petitioner no.2 is concerned, it is stated that he is not working as Peon-cum-Night Guard but he runs a mess during the training of teachers and he supplies food to the participants and has been paid his amount. However, the counter affidavit is absolutely silent on Annexure 4 which has been issued by the then Block Education Officer, Simri, Buxar.

In such a situation, this Court directs the District Magistrate, Buxar to make an enquiry with respect to dues of the petitioner nos. 1 and 2 and if it is found by him that dues are there then competent authority would be required to take immediate steps for payment of all the dues of the petitioners within a period of two months. Such decision should be taken by the District Magistrate



within a period of two months from the date of receipt/production of a copy of this order.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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