

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14900 of 2014

1. Anita Devi W/o Mahendra Choudhary resident of village - Parasdih, P.O. Pirwan, P.S. Salaiya, District - Aurangabad at present Rajkiya Middle School, Parasdih Uttan Kendra, Pipradih, P.S. Salaiya, District - Aurangabad
2. Rajendra Ram Son of Ram Nandan Ram resident of village - Alarpur, P.O. Manika, P.S. Rafiganj, District - Aurangabad, at present Rajkiya Middle School Chaukhada, Block Madanpur, District - Aurangabad
3. Dipan Kumar Bhuinya Son of Vishnupat Bhuniya, resident of village - Jalwan, P.O. Ghatrainy, P.S. Madanpur, District - Aurangabad, At present Rajkiya Utkarmit Middle School, Jalwan Uttan Kendra Bhuniya Tola, P.S. Madanpur, District - Aurangabad
4. Sarita Devi W/o Vijay Rikiyasan resident of village - Shridih, P.O. Purandih, P.S. Madanpur, District - Aurangabad at present Rajkiya Primary School Hasanwar, Phudani Bigha, Block Madanpur, District - Aurangabad
5. Shanti Kumari W/o Krishna Singh Bhogta resident of village - Pipargadhi, P.O. Umanga, P.S. Madanpur, District - Aurangabad at present RAjkiya Middle School Judahi, Block Madanpur, District - Aurangabad
6. Rina Kumari W/o Ramdhyan Singh Bhogta resident of village - Pipargadhi, P.O. Umanga, P.S. Madanpur, District - Aurangabad at present Rajkiya Middle School Judahi, Uttan Kendra, Pipargadhi, District - Aurangabad
7. Dharendra Kumar Dhiraj Son of Sukhadi Singh Bhogta, resident of village - Pichhulia, P.O. Umanga (Purudih), P.S. Madanpur, District - Aurangabad, At present Primary School Pachrukhiya Uttan Kendra, Pachrukhiya, P.S. Madanpur, District - Aurangabad
8. Chinta Kumari W/o Kamta Singh Bhogta resident of village Babu Bandh, P.O. Umanga, P.S. Madanpur, District -



Aurangabad, at present Rajkiya Primary School, Badam, Block Madanpur, District - Aurangabad

9. Sukhadi Singh Bhogta Son of Late Keshawar Singh Bhogta resident of village - Pichhulia, P.O. Umanga (Purudih), P.S. Madanpur, District - Aurangabad, At present Rajkiya Middle School, Judahi, Block Madanpur, District - Aurangabad
10. Ram Chandra Rikiasan Son of Chutar Bhuniya resident of village - Sailanwa, P.O. Nagmatia, P.S. Madanpur, District - Aurangabad, at present Rajkiya Middle School Sailanwa Uttan Kendra, Sailawan, P.S. Madanpur, District - Aurangabad
11. Vikash Kumari D/o Goyal Rajak resident of village - Manika, P.S. Madanpur, District - Aurangabad, at present Rajkiya Middle School Mahuayan, Raghuni Bigha, Block Madanpur, District - Aurangabad
12. Arun Singh Bhogta @ Arun Kr. Singh Son of Sri Ramdeo Singh Bhogta resident of village - Chilmi, P.O. Umanga, P.S. Madanpur, District - Aurangabad, at present Rajkiya Middle School Chilmi Uttan Kendra, Pitambaradih, Block & P.S. Madanpur, District - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Human Resources Development Govt. of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Education Officer, Aurangabad
6. The Deputy Superintendent of Education, Aurangabad
7. The Block Education Extension Officer, Madanpur, District - Aurangabad
8. The District Programme Officer, Primary Education and Sarva Shiksha Abhiyan Bihar Shiksha Pariyojana, Aurangabad
9. The Headmaster, Rajkiya Middle School Parasdihi Uttan Kendra Pipardih, P.S. Salaiya, District - Aurangabad



10. The Headmaster, Rajkiya Middle School, Chaukhada, Block Madanpur, District - Aurangabad
11. The Headmaster, Rajkiya Middle School, Chilmi Uttan, Uttan Kendra Pitambaradih, Block Madanpur, District - Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarendra Kumar Singh, Advocate
For the State	:	Mr. Anil Kumar GP-23
		Mr. Arvind Kumar, AC to GP-23
For BEPC	:	Mr. Girijish Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT**

Date : 07-08-2018

Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State as well as the Bihar Education Project.

2. The grievance of the petitioners in the present writ petition is for setting aside the order dated 20.01.2013, whereby the respondents have issued directions not to make payment of remuneration to Tola Sevak.

3. Learned counsel for the petitioners submits that so long the petitioners were working as Tola Sevak and they had not been removed, they are entitled to salary/remuneration.

4. Mr. Girijish Kumar, learned counsel for the Bihar Education Project has placed reliance on the judgment of this Court in CWJC No. 12390 of 2015 and LPA No. 2185 of 2015, whereby the question of maintainability as well as engagement of Tola Sevak has been decided against the petitioners.



5. Learned counsel for the petitioners submits that these two decisions have been passed in ignorance of the guidelines of 2018.

6. The guidelines of 2018 is relevant for the purpose of future engagement and not for engagement made prior to 2018.

7. In view of the above, the writ petition is disposed of with a direction to the respondents that if the petitioners have actually worked and not paid remuneration, the respondents are under obligation to ensure payment of the honorarium, if not already paid. So far as the claim of continuity of service is concerned, no relief can be granted in the present proceeding.

8. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2018
Transmission Date	

