

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1100 of 2015

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Shambhu Ravidas Son of Shri Bateshwar Ravidas Resident of Village - Kawa Bari,
Police Station Mansahi, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through District Programme Officer, Katihar.
2. The District Chief Programme Co-ordinator-cum-Secretary, District Lok Shiksha Samiti, Katihar.
3. The Block Education Officer, Mansahi, District - Katihar.
4. The Block Programme Co-ordinator, Mansahi, District - Katihar.
5. The Headmaster Primary School, Saheb Nagar, District - Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Syed Firoz Raza, Advocate

For the State : Mr. S. K. Ranjan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-07-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following
relief:

*“That this writ application is being filed
for issuance of a writ of Mandamus commanding
the respondents to pay to the petitioner fixed
remuneration @ Rs. 3,500/- (Rupees three
thousand and five hundred only) per month or
enhanced remuneration alongwith interest from the
date of dispensing the job as Tola Sewak due from*



01.01.2014 till date.”

3. The undisputed facts are that the petitioner was appointed as *Tola Sewak* on 28.12.2013 and thereafter on a complaint, it was found that there was a female candidate, who was eligible and the Rules requiring priority to a female, the petitioner's selection was held to be bad. However, termination order was issued on 22.11.2017. It would be relevant to indicate that the selection/engagement on the post of *Tola Sewak* is on honorarium basis and that too only for one year. Thus, the entitlement of honorarium of Rs. 3500/- per month can only be for 12 months and not beyond that, unless a person is reselected.

4. In the present case, the petitioner claims to have been paid only Rs. 5000/- and, thus, claims the remaining dues for the entire period which has now elapsed long back.

5. From the affidavits filed on behalf of the respondents, it appears that on the ground of there being a female candidate available, the selection of the petitioner has been held to be bad and finally, he has been removed also. However, the Court is constrained to observe about the mechanical manner in which the State authorities function and pass orders. Once the term of engagement of the petitioner was fixed for one year i.e., it had to end in December, 2014, there was no occasion for passing an order in 2017, cancelling



such selection. The issue itself had become irrelevant and infructuous.

6. Coming to the main issue, with regard to the claim for honorarium for the entire period, from the pleadings, the authorities have not taken a stand anywhere that the petitioner did not discharge the duties of the post on which he was selected and posted. Thus, if the petitioner has discharged his duties on the post of *Tola Sewak*, for the entire period of one year, which from the records has not been disputed, he is entitled to honorarium for the said period for having performed the duties of such post.

7. Learned counsel for the State also fairly submitted that in the background of the facts and circumstances of the present case, the petitioner would be entitled to his honorarium for one year because the selection itself, as per the relevant guidelines is only for a period of one year and the removal was after nearly three years of the term having expired.

8. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off holding the petitioner entitled to honorarium for the entire one year period when, after his selection and joining, he discharged the duties of the office. Such payment, after adjusting whatever amount which may have been paid from time to time to the



petitioner, be made to him latest within four weeks from the date of production of a copy of this order before the respondents no. 2, 3 and 4.

(Ahsanuddin Amanullah, J)

P. Kumar

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