

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19235 of 2019

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Sunil Kumar Prasad Son of Shri Din Dayal Prasad, Resident of Village-
Bangara, P.S. Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Education Officer, Siwan.
5. The District Programme Officer (Establishment), Siwan.
6. The Headmaster, Sihauta Bangra High School, Maharajganj, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-09-2019 The manner in which the petitioner was engaged by the Headmaster of the school in question as Nigh Guard cannot be regarded as appointment in consonance with the requirement of public appointment in terms of Article 16 of the Constitution of India.

The grievance of the petitioner is that he has been removed without any show cause notice and opportunity of hearing does not merit any consideration as he was not appointed after advertisement and selection process. However, if the petitioner has worked, it shall be obligation of the



respondents to see that petitioner is paid for the period the petitioner has worked in view of the mandate of law under section 70 of the Indian Contract Act read with Article 23 of the Constitution of India.

Necessary decision as to payment shall be taken by the respondents at the earliest preferably within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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