

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21643 of 2019

Prince Kumar S/o Sri Umesh Prasad Roy Resident of Village- Sirdilpur, P.S.-
Patori, District- Samastipur at present working as Honourary Peon at Block
Resource Centre (B.R.C.), Patori under the Block Education Officer, Patori,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Education, New Secretariat, (Vikas Bhawan), Bihar, Patna.
2. The Director, State Project, Bihar Education Project Council, (State Level Officer), Shiksha Bhawan, Rajendra Nagar, Saidpur, Patna- 800004.
3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga.
4. The District Magistrate, Samastipur.
5. The District Education Officer-cum-Chairman of the District Niyojan Samiti, Bihar Shiksha Pariyojna Samastipur.
6. The District Programme Officer, Elementary Education and Sarva Shiksha Abhiyan (E.E. and S.S.A.)-cum-Secretary, District Niyazan Samiti, Bihar Shiksha Pariyajona, Samastipur.
7. The District Programme Officer (Establishment)-cum-Member of the District Niyozan Samiti, Bihar Shiksha Pariyojana, Samastipur.
8. The Block Education Officer, Patori, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Kalika Nand Jha, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar (Gp-20)
For Respondent no. 2	:	Mr. Girijish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 18-11-2021

Heard Mr. Sanjay Singh, learned Senior Advocate
for the petitioner and Mr. Madanjeet Kumar, Gp-20 for the
State.

This writ petition has been filed for directing and
commanding the respondents for completing the process of
appointment of Peons on the sanctioned post and also pay



to the petitioner the salary for the period that he has worked.

This court was made to understand in the beginning that the petitioner was given an appointment letter indicating that should he work to the satisfaction of the authorities without salary, his case shall be considered for regular appointment. This conditional appointment letter, which is unheard of by this Court, raised eye-brows and the Court directed for an inquiry in the matter.

The District Magistrate of Samastipur was asked to inquire as to under what circumstances, the petitioner was given such conditional appointment letter and was made to work without salary for so many years.

While this was being done, the counsel appearing for the petitioner brought on record the appreciation letter of some of the functionaries of the State, recommending the petitioner for being adjusted against regular post. When such person was questioned by this Court, he replied that only under duress, such a recommendation letter was written.

This actually goaded this Court in asking for an inquiry report from the District Magistrate.

The District Magistrate, in the first instance directed such inquiry to be conducted by three officials of the district, but later, he himself conducted the inquiry and



found that nobody in the office had supported the assertion of the petitioner that he had been working as a Peon in Block Research Centre, Patori.

Today, Mr. Sanjay Singh, learned Senior Advocate for the petitioner has drawn the attention of this Court to a letter written by Joint Director, Secondary Education addressed to the Deputy Director, Administration asking him to appoint the petitioner on the post of Peon.

Such letter, to say the least is most unwarranted and the officer concerned ought not to have written such a letter.

In view of the report of the District Magistrate that the petitioner has never worked as a Peon, the entire claim of the petitioner fails.

The petition is dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.11.2021
Transmission Date	

