

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18288 of 2018

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Rastriya Madhyanh Bhojan Rasoiya Front through its Secretary Ramkripal Ji, S/o Bansi, State office in Bihar at House no. 297A, South of Friends Colony, Ashiyana Nagar, Patna 800025, Permanent residence at House No. 408, Gaon Bichhi, Bojh, Pandah, P.s.-Sikanderpur, Disrict-Ballia U.P.-277303.

... .. Petitioner/s

Versus

1. The Union Of India through its Joint Secretary, Ministry of Human Resource Development, Government of India, Shastri Bhawan, New Delhi-100011.
2. The State of Bihar through its Chief Secretary, Government of Bihar, Patna, Bihar-800015.
3. The Principal Secretary, Education Department, Government of Bihar, Patna. Bihar-800015.
4. The Director, Primary Education, Directorate, Patna-800015
5. The Director, Madhyanh Bhojan Yojna Sammitee, Patna-800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Respondent/s : Mr.Madhaw Prasad Yadaw -Gp23

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 30-09-2022

The matter is heard through video conferencing.

2. In the instant petition petitioner has prayed for following reliefs:-

“1. That this is an application for issuance of an appropriate writ in the nature of mandamus, for a direction to respondents:-

a) For directing the respondent authority to take appropriate action on the representation as contained in ANNEXURE-5 on in the light of minimum wages fixed by the government enumerated in ANNEXURE-2 to this petition.



b) For granting any other relief/reliefs as the petitioner is entitled in the eye of law.”

3. Question for consideration in the present petition is whether petitioner is entitled to minimum wages under the Minimum Wages Act, 1948.

4. Learned counsel for the State resisted the aforesaid contention that the petitioner is not entitled to minimum wages in the light of communication of the Government of India, Ministry of Human Resource Development, Department of School, Education and Literacy vide D.O. No. 10-8/2012-EE.5 (MDM-1-2).

5. Perusal of the aforesaid communication vide Annexure- A to the counter affidavit, *prima facie* it is contrary to Minimum Wages Act, 1948 read with Government of India, Ministry of Labour Department notification issued from time to time. Therefore, whatever the communication made by the Government of India in respect of payment of wages, the State respondent are hereby directed to follow the Minimum Wages policy. The aforesaid decision shall be taken and communicated to the petitioner. If the petitioner is entitled to minimum wages under the Central Government or State Government, the same shall be extended from time to time. Such speaking order shall



be passed and communicated to the petitioner within a period of two months from the date of receipt of this order.

6. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

