

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7471 of 2021

Manoj Kumar Singh Son of Late Hit Lal Singh, resident of Village and P.O. Saidpur, P.S. - Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The Director, Secondary Education Department, Government of Bihar, Patna.
4. The District Magistrate cum District Officer, Bhagalpur.
5. The District Education Officer, Bhagalpur, District - Bhagalpur.
6. The District Programme Officer, Bhagalpur, District - Bhagalpur.
7. The Hon'ble Member of the Managing Committee, Project Kanya Uchchatar Vidyalaya, Saidpur, Bhagalpur.
8. The Head Master, Project Kanya Uchchatar Vidyalaya, Saidpur, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey
For the Respondent/s : Mr.

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

Date : 10-02-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Petitioner's counsel to serve copy of the petition to the State counsel. State counsel accept notice for respondents.

3. In the instant petition, petitioner has prayed for following reliefs:

“That the instant writ



application has been filed by the petitioner for issuance of writ/writs, order/orders, direction/directions in the nature of Mandamus directing the respondents concern to regularize the service of the petitioner, who is working as a night guard only on a fix salary since 2011 without any break in Project Kanya Uchhtar Vidyalaya, Saidpur, Bhagalpur in the following circumstances.

And/Or

Any other writ(s), order(s), direction(s) may be issued to which the petitioner is entitled in the facts and circumstances of the case.”

4. Short question for consideration in the present petition is whether petitioner is entitled to be regularized against Night Guard post or any equivalent post having regard to the fact that he has rendered number of services with the concerned respondent or not? In this regard, petitioner has submitted representation on 24.12.2020 (Annexure-12).

5. Therefore, the concerned respondent is hereby directed to consider the petitioner's service particulars, representation along with judicial pronouncements, if any in the light of Apex Court's decision in case of *Secy., State of Karnataka V. Uma Devi reported in (2006)4 SCC page 1* passed in *CWJC No. 16 of 2021* read with full bench decision in case of *Ram Sevak Yadav & Another Vs. The State of Bihar & Others* reported in *2013(1) PLJR 964* passed in *CWJC No. 267*



& 472 of 2010. In this regard, necessary speaking order shall be passed within a period of four months from the date of receipt of this order and communicated to the petitioner.

6. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

