

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5388 of 2020

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Dharmendra Kumar Son of Sri Rajesh Prasad Resident of Village- Purani Bazar Pasnauli Police Station- Maharajganj, District- Siwan. At present working as a Night Guard in Govt. Swami Karmdev High School-cum-Inter College, Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary-cum-the Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director Primary Education, Bihar, Patna.
5. The District Magistrate, Siwan.
6. The District Education Officer, Siwan.
7. The District Programme Officer (Establishment), Siwan.
8. The Headmaster Govt. Swami Karmdev High School-cum-Inter College, Maharajganj, District- Siwan.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 5399 of 2020

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Manoj Yadav Son of Sri Lalan Yadav, Resident of Resident of House No. 79, Harkeshpur, Bangra Police Station- Maharajganj, District- Siwan. At present working as a Night Guard in Uma Shankar Prasad High School-cum-Inter College, Maharajganj, District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary -cum- the Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Deputy Secretary, Education Department, Govt. of Bihar, Patna
4. The Director, Primary Education, Bihar, Patna
5. The District Magistrate, Siwan
6. The District Education Officer, Siwan
7. The District Programme Officer (Establishment), Siwan
8. The Headmaster Uma Shankar Prasad High School-cum-Inter College, Maharajganj, District- Siwan

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 5388 of 2020)

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.

For the Respondent/s : Mr. Umesh Narayan Dubey, AC to GP-27

(In Civil Writ Jurisdiction Case No. 5399 of 2020)

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.

For the Respondent/s : Mr. Madanjeet Kumar (Gp20)

**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 29-11-2022 The petitioner states that he was appointed as a night guard and he has been discontinued by the oral order of the concerned Headmaster. In the writ petition he prays that he should be allowed to continue.

Admittedly, the post is not in-cadre post in the service rules and if the petitioner has worked as a night guard, at best he can get his grievances redressed by filing of a dispute under the Industrial Disputes Act, 1947.

Granting him liberty to raise a dispute in terms of Section 10 of the Act of 1947, the writ petition is dismissed as not maintainable.

(Sanjeev Prakash Sharma, J)

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Item no.52+54

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