

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18434 of 2021

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Birendra Kumar Ram, Son of Lal Dhari Ram, Resident of Village - Bihari,
Police Station - Jalley, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, School Education Department, Government of Bihar.
3. The Divisional Commissioner, Mithila Division, Darbhanga.
4. The District Magistrate, Darbhanga.
5. The District Education Officer, Muzaffarpur.
6. The Block Education Officer, Jalley Block, Darbhanga.
7. Kailash Prasad, Head Master, High School, Bihari, Jalley, Darbhanga.
8. Dr. Raghwendra Prasad, Son of Har Kishan Ram, Resident of Village - Narouch Dham, Post Office - Narouch Dham, Police Station - Jalley, District - Darbhanga.
9. Sumit Jha, Son of Kaushlendra Jha, Resident of Village - Bihar, Post Office - Narauch Dham, Police Station - Jalley, District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Adv.
For the Respondent/s : Smt. Shilpa Singh (GA 12)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 08-09-2022 1. The petitioner having been unsuccessful in getting employment as a night guard viz a viz respondent number 9 has preferred this writ petition.

2. The learned counsel for the petitioner submits that the petitioner's candidature ought to have been considered over and above to that of the respondent no.9 as his house is situated nearest to the school and is only 200 meters away, whereas the



house of respondent no. 9 is about 800 meters or more. The learned counsel submits that the petitioner should have been appointed in place of respondent no. 9. There are no guidelines for appointing a night guard. Wherever there is an element of selection, it has to be either passed on certain rules or regulations or guidelines or where there is none, it would be on the basis of the best suited person for the post to be assessed by the employer. In cases, where employment is to be made on the post of night guard, certain discretion would play a role, wherein this court would have no role to play. There being no such guidelines or regulations, selection of respondent no. 9 cannot be said to be arbitrary or in violation of Article 14 of the Constitution. The best suited person is to be employed. The criteria of the house being nearer to the school, in the opinion of this court is wholly far fetched.

3. On the other hand, a night guard may not perform his duty well, if his house is nearby, as there are more chances of his going to his house nearby during the night and not remaining on duty in comparison to a person whose house is near vicinity.

4. In view thereof, no case for interference is made out.



5. The writ petition is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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