

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4906 of 2019

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Ram Pravesh Mahto S/o Bihari Mahto Resident of Village-Majhauri
Mohammadpur Buzurg,P.O. and P.S. Sarai,Dist.-Vaishali-844125

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Department of Education, Govt. of Bihar, Patna
3. Director Madhyamik Education, Govt. of Bihar, Patna
4. Regional Deputy Director of Education Commissioner.
5. District Magistrate, Vaishali at Hajipur
6. District Education Officer, Vaishali at Hajipur
7. D.P.O.(Establishment) Vaishali at Hajipur
8. Head Master Model High School, Sarai (Vaishali)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shatrughan Pandey
For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 22-11-2023 1. The petitioner has filed the present writ application for a direction to the respondent authorities to pay his honorarium as a Night Guard, on which the petitioner was appointed on 15.03.2014, in the Model High School, Sarai, in the district of Vaishali, on ad hoc basis.
2. Learned Counsel for the petitioner submits that the Director, Secondary Education, came out with a Circular, dated 30.07.2012, under which all the District Education officers were directed to make arrangement of Night



Guards/Security Guards in all the Upgraded High Schools/Middle Schools to protect the property of the schools. It was further directed that if two or more persons are posted in the school, then a peon should be used as a Night Guard on rotation basis. If there is no peon, then the School Management Committee shall appoint a Night Guard on purely temporary/ad hoc basis on payment of honorarium of Rs. 1,500/- per month, which was to be paid from the school development fund. He further submits that after the circular having come into force, the petitioner was appointed on 15.03.2014 and was paid his honorarium for one year, till 15.03.2015. His further contention is that after March, 2015, the honorarium was never paid to the petitioner. He also submits that the petitioner has been removed from service after 2018.

3. On the other hand, learned Counsel for the respondent, referring to the contents of the counter affidavits, submits that the petitioner was paid regularly from the school development fund, which is to be operated by the School Management Committee. He further submits that the petitioner worked as a Night Guard in the school till



17.06.2018 and on 18.06.2018, he was removed. The School Management Committee could not be constituted after the new election held in the year 2015. Therefore, the petitioner could not be paid his honorarium and as soon as the School Management Committee will be constituted, the petitioner shall be paid his honorarium.

4. I have heard learned Counsel for the parties concerned.
5. The petitioner has admittedly been appointed as a Night Guard pursuant to the Circular, dated 30.07.2012, issued by the Director, Secondary Education. The respondents, in their counter affidavits, have accepted that the petitioner has worked till 17.06.2018 and due to non-constitution of the School Management Committee, the payment of honorarium could not be made to the petitioner.
6. In view of the aforesaid, I dispose this writ application with liberty to the petitioner to file a representation before the Director, Secondary Education, within a period of two weeks from today and if such a representation is filed by the petitioner, the Director, Secondary Education, is directed to consider the same on its merit and pass an appropriate order in accordance with law for payment of



honorarium due to the petitioner within a period of two months from the date of filing of the representation by the petitioner.

7. This application is, accordingly, disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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