

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17369 of 2014

1. Mithilesh Datta Pandey, Son of Dinesh Dutta Pandey Resident of Village-P.O.-Bhaghi Bardiha, P.S.-Warsaliganj, District-Nawada.
2. Sima Kumari Daughter of Bhola Singh Resident of Village-Aanti, P.O.-Kadirganj, P.S.-Nawada, District-Nawada.
3. Vivekanand Son of Raj Kumar Singh Resident of Village-Kendua, .O.-Acauna Bazar, P.S.-Muffasil, District-Nawada.
4. Ranjeet Kumar Son of Ram Anugrabh Prasad Sharma Resident of Village-Dhora, P.O.-Jalalpur, P.S.-Warsaliganj, District-Nawada.
5. Sanjay Kumar Pandey Son of Abhinanand Pandey Resident of Village-P.O.-Paura, P.s.-Nawada, District-Nawada.
6. Anil Paswan Son of Dasrath Paswan Resident of Village-Ningori, P.O.-Faraha, P.S.-Akbarpur, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education Govt. of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The District Education Officer, Nawada.
5. The Deputy Director of Commissioner-Cum-Chief Executive Officer Zila Parishad, Nawada.
6. Chairman, Zila Parishad, Nawada.
7. Secretary-Cum-Incharge Principal, +2 High School Anati, P.O.-Kadirganj, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hansraj, Advocate
For the State	:	Mr. Md. Fazle Karim, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 5 02-11-2023 1. Heard learned counsel for the petitioners and
learned counsel for the respondents.
2. The petitioners by filing the instant application
have prayed for direction to the respondents to keep in abeyance



the process of appointment as teachers in +2 High School, Aanti, Nawada and further for commanding the respondent authorities to adjust the service of the petitioners.

3. Bereft of unnecessary details, it may be stated here that from the letter of engagement of the petitioners brought on record as Annexure-3 series it would transpire that pursuant to the decision of the Managing Committee, the petitioners were engaged on payment of an honorarium of Rs.150 per day. It is the case of the petitioners that pursuant to the said office orders, they were given their joining in the school and started working regularly in the capacity of a teacher to the satisfaction of all concerned. However, now the petitioners are not being paid their remuneration, thus the instant writ application for the relief as stated herein above.

4. A counter affidavit has been filed on behalf of the District Education Officer, Nawada (respondent no.4) stating therein that the petitioners were working only on adhoc basis and thus are not entitled for the relief sought for in the instant writ application.

5. Having heard learned counsel for the parties and having perused the material on record, it transpires that so far as the working of the petitioners is concerned, from the office order



as contained in Annexure-3 series it would be evident that they were working purely on adhoc basis on payment of an honorarium of Rs.150/- per day. It goes without saying that such adhoc/temporary arrangements are only till regular appointments are made. There is no right of continuance of the petitioners on regular basis as is being sought for in the instant writ application. The only option for the petitioners to continue in service is to make a proper application before the respondents as and when steps for regular appointment of teachers, on the post that the petitioners are working, is undertaken and to obtain appointment as a regular teacher.

6. The Court finds no merit in the instant writ application and the same is dismissed.

(Partha Sarthy, J)

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