

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7850 of 2016**

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Sharavan Ravidas son of Late Dineshwar Das, resident of Village- Samkudha,  
P.O.- Lakhanpar, P.S.- Punpun, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Patna, District- Patna.
3. The District Programme Officer, Sharv Shiksha Abhiyan, Patna, District- Patna.
4. The Block Development Officer, Barh Block, District- Patna.
5. The Block Education Officer, Barh Block, District- Patna.
6. Headmaster, Special Residential Training Center, Urdu Middle School, Paimar Ghat, Punpun, District- Patna

... .. Respondent/s

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**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr.Mrigendra Kumar, Advocate     |
|                      | : | Mr. Akash Kumar Mishra, Advocate |
| For the Respondent/s | : | Mr.G.P.-12                       |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL JUDGMENT**

**Date : 12-12-2023**

Heard Mr. Mrigendra Kumar, learned counsel appearing  
for the petitioner and learned counsel appearing for the State.

2. The present writ application has been filed for directing the respondents to reinstate the petitioner on his post as Shiksha Swem Sewak in Special Residential Training Centre, Urdu Madhy Vidyalaya, Paimar Ghat, Punpun, Patna

3. The petitioner was initially appointed on the post of Shiksha Swem Sewak on contract basis vide Memo No.325 dated 12.02.2013. Thereafter, the petitioner has joined on 26.02.2013. The petitioner is aggrieved by the action of the District Programme



Officer, i.e. respondent No.3, had inspected the Centre in question on 02.06.2014 and the petitioner was found absent and on that ground he has been removed from the post in question and it was also found that the Centre was run by only 50 children in place of 100 children and in the teacher attendance register name of five Shiksha Swem Sewak was mentioned and three cooks were working. As per guideline issued by the Govt. of Bihar, in the unit of 50 children, only three Shiksha Swem Sewak and two Cooks are required in Centre in question and directed the Centre-in-Charge to remove two Shiksha Swem Sewak who were absent from the Centre without prior permission and also removed one Cook so direction may be issued to the concerned authority to reinstate the petitioner on his post as Shiksha Swem Sewak.

4. Learned counsel for the State, on the other hand, on the basis of referring the counter affidavit particularly in paragraph-15 and 16 of the counter affidavit, submits that when the District Programme Officer inspected the Centre which was found that out of five Shiksha Swam Sevaks only two Shiksha Swam Sevaks were present and the petitioner was found absent from the Centre and he has left the Centre without prior approval from the competent authority and as per letter No.1725 dated 03.06.2014 the petitioner and other Shiksha Swam Sevaks were



removed from the work and they were found absent from the duty on the date of inspection i.e. on 02.06.2014. As per guidelines issued by the Govt. of Bihar, in the unit of 50 children only three Shiksha Swem Sewak and two Cooks are required in Centre in question and directed the Centre-in-Charge to remove two Shiksha Swem Sewak who were absent from the Centre without prior permission and also removed one Cook. It is admitted fact that the petitioner was not present when the inspection was conducted and the authority has rightly removed the petitioner from the post in question.

5. In view of the aforesaid, it is admitted position that the petitioner was not present in the Center in question and as per guideline only three Shiksha Swem Sewak are required in Centre in question, so the respondent No.3 has rightly removed the petitioner from the post in question. There is no merit in this writ application, accordingly, it is dismissed.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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| AFR/NAFR          | NAFR       |
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