

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18641 of 2019

1. Sudama Tiwari S/o Late Mahesh Tiwari R/o Village-Ramgarh, P.O.-Mamrejpur, P.S.-Chenari, District-Rohtas, presently working as Peon at Ramroop High School, Gorari, Karakat, Rohtas
2. Rama Shankar Pandey S/o Late Hari Kishun Pandey R/o Village and P.O.-Kurmabad, P.S.-Chenari, District-Rohtas, presently working as peon at Sri Budhan Choudhary Smark 10 Plus 2 High School, Nokha, Rohtas
3. Binay Kumar Son of Nathuni Prasad R/o Village-Pokharaha, P.O.-Lala Atami, P.S.-Nasriganj, District-Rohtas, presently working as peon at 10 Plus 2 High School, Akauni, Daud Nagar, Aurangabad
4. Baijnath Pathak Son of Shri Raj Kumar Pathak R/o Village-Pathkhaulia, P.O.-Rajur, P.S.-Rajpur, District-Rohtas, presently working as peon at Gupteshwar Pandey 10 Plus 2 High School, Jaipur, Akorhigola, Rohtas
5. Shyam Bihari Ram Son of Shiv Pujan Ram R/o Village-Pokharaha, P.O.-Atibhi, P.S.-Nasriganj, District-Rohtas, presently working as peon at 10 Plus 2 Ram Sahai High School, Fatehpur, Gaya
6. Muralipal Son of Gulzarpal R/o Village-Pewandi, P.O. Chenari, P.S.-Chenari, District-Rohtas, presently working as peon at Girish Narayan Mishra High School, Parsathwan, Rohtas
7. Janardan Sharma son of Fokan Sharma R/o Village-Narayanpur Basa, P.O. Tarasuan Bargawn, P.S.-Alamnagar, District-Madhepura, presently working as peon at Sachidanand High School, Parasiya Thakurai, Nasriganj, Rohtas
8. Jai Ram Mandal Son of Fulas Mandal R/o Village-Damaha, P.O. Pipara Dih, P.S.-Jamahariya, District-Madhepura, presently working as peon at Adarsh High School, Simara, Rohtas
9. Vijay Kumar Son of Debu Lal Mandal R/o Village-Naw Tola, P.O.-Parma, P.S.-Murliban, District-Madhepura, presently working as peon at Adarsh High School, Samahuta, Karaghar, Rohtas
10. Jitan Safi Son of Late Bhelai Safi R/o Village-Rajpur, P.O. Dagmara, District-Supaul, presently working as peon at High School, Jamuhar, Rohtas
11. Surya Narayan Mandal Son of Late Khusilal Mandal R/o Village-Dhero Anadpur, P.O.-Dagmora, P.S. Kunauli, District-Supaul, presently working as peon at Shri Nagar High School, Sukahara, Karakat, Rohtas
12. Omkar Sah Son of Late Mohan Sah R/o Village-Bharahi Bazar, P.O.-Bharahi, P.S. and District-Madhepura, presently working as peon at Sri Harihar Uma High School, Meyari Bazar, Nokha, Rohtas
13. Gupteshwar Prasad Singh son of Late Ram Beyas Singh R/o Village-Kenar Kala, P.O. Chandra Kaithi, P.S.-Chenari, District-Rohtas, presently working as peon at High School Mahuli, Rohtas
14. Bhola Prasad son of Sri Chapit Prasad R/o Village and P.O.-Simrawn, P.S.-Charpokhari, District-Bhojpur, presently working as peon at Gandhi Smarak High School, Pachpokhari, Nokha, Rohtas
15. Rama Shankar Upadhyay Son of Sri Rajnath Upadhyay R/o Village-Bithani, P.O.-Arthu, P.S.-Dawath, District-Rohtas, presently working as peon at High



School Bhaluni Dham, Rohtas

16. Darul Alam Son of Late Sahubuddin R/o Village-Panwara, P.S. Pothiya, District-Kishanganj, presently working as peon at High School, Babhani, Rohtas
17. Mumtaz Alam son of Late Suleman Khan R/o Village-Patbhari, P.O. and P.S.-Powa Khali, District-Kishanganj, presently working as peon at High School, Babhani, Rohtas
18. Parmeshwar Singh Son of Raghunath Singh R/o Village-Nandu Siara, P.O.-Mamrejpur, P.S. Chenari, District-Rohtas, presently working as peon at 10 Plus 2 High School Suryapura, Rohtas
19. Md. Safik Alam Son of Late Nabab Ali R/o Village-Mustafaganj, P.O.-Tulsiya, District-Kishanganj, presently working as peon at High School Indrapuri, Rohtas
20. Md. Hasnayan Anwar Son of Late Sajlur Rahman R/o Village-Dahuari, P.O. Bishunpur, P.S.-Bahadurpur, District-Kishanganj, presently working as peon at High School Sadokhar, Rohtas
21. Md. Sakil Ahmad Son of Safikuddin R/o Village-Pakamudihabad, P.O.-Magura, P.S.-Dighaulbank, District-Kishanganj, presently working as peon at High School Ramdihara, Rohtas
22. Samir Ahmad son of Samiruddin R/o Village-Rangapani, P.O.-Dahibari, District-Kishanganj, presently working as peon at High School, Ramdihara, P.S.-Tilauthu, District-Rohtas
23. Md. Mukhtar Alam son of Md. Tahir Hussan R/o Village-Hala Nal, P.O. Batabi, District-Kishanganj, presently working as peon at High School Mahuli, Karaghar, Rohtas
24. Jafarul Ahmed Son of Ramjan Ali R/o Village-Thangadha, P.S. Dighalpur, District-Kishanganj, presently working as peon at Ram Payari High School, Darihat, Rohtas
25. Brij Mohan Sah Son of Mukun Sah R/o Village-Chawariya, P.O.-Rajpur, P.S. Sanjholi, District-Rohtas, presently working as peon at R.R. High School, Suryapura, Rohtas
26. Dharendra Prasad Singh Son of Manager Singh R/o Village-Jharwai Garh, P.O. Surwatganj, P.S.-Challapur, District-Supaul, presently working as peon at High School Akhtiyarpur, Rohtas
27. Md. Kasim Son of Md. Sekhawat Ali R/o Village-Pratap pur, P.O.-Barah Kurwa, P.S. Triveniganj, District-Supaul, presently working as peon at Shivji 10 Plus 2 High School, Kaithi, Nokha, Rohtas
28. Krishnadeo Mehta Son of Late Rasik Lal Mehta R/o Village-Padu Nagar, P.O. and P.S.-Karzain, District-Supaul, presently working as peon at High School Mahabir Asthan, Pithani, Rohtas
29. Om Narayan Singh son of Sukhdeo Singh R/o Village-Kachayia, P.O. Barkarwa, P.S.-Bhahariyahi, District-Supaul, presently working as peon at S.B.P. High School, Indrapuri, Rohtas
30. Ramashish Ram Son of Ram Lakhan Ram R/o Village and P.O.-Gorari, P.S. Karakat, District-Rohtas, presently working as peon at Keshev High School, Sone Nagar, Aurangabad



31. Shyamdeo Mandal Son of Ram Kishun Mandal R/o Village-Kudra Ghat, P.O. Ram Nagar, P.S. Ram Nagar, District-Madhepura, presently working as peon at High School, Kharari, Karaghar, Rohtas
32. Madan Mohan Sharma Son of Late Sudarshan Sharma R/o Village-Jina, P.O. and P.S.-Nasriganj, District-Rohtas, presently working as peon at Rastriya High School, Daud Nagar, Aurangad
33. Ram Narayan Singh Son of Ram Dular Singh R/o Village-Lalganj, P.O. and P.S.-Nokha, District-Rohtas, presently working as peon at 10 Plus 2 High School, Sarvoday Nagar, Khenadu Parayia, Gaya
34. Gauri Shankar Paswan son of Bhagwan Paswan R/o Village-Lengar Kekai, P.O. Dumari, P.S.-Chenari, District-Rohtas, presently working as peon at High School, Pithani, Dinara, Rohtas
35. Shyam Sundar Kamat Son of Late Bachha Kamat R/o Village-Kadmahar, P.O. Mungaraha, P.S.-Marauna, District-Supaul, presently working as peon at Aadarsh High School, Simara, Dinara, Rohtas
36. Baij Nath Upadhyay Son of Kamal Nath Upadhyay R/o Village and P.O.-Balua, P.S. Krishnagarh, District-Bhojpur, presently working as peon at Sarvoday High School, Nokha, Rohtas
37. Arbind Kumar Singh Son of Sri Krishna Singh R/o Village-Rampur, P.O. Krishnagarh, District-Bhojpur, presently working as peon at Sri Shankar High School, Takiya, Sasaram, Rohtas
38. Surendra Choudhary son of Late Radha Choudhary R/o Village-Laxmipur, P.O. Karmaini, District-Rohta, presently working as peon at High School Chap, Akhorigola, Rohtas
39. Jang Bahadur Singh son of Late Shiv Kumar Singh r/o Village-Bharkuriya Kala, P.O. and P.S.-Suryapura, District-Rohtas, presently working as peon at High School Bhaluni Dham, Rohtas
40. Vinod Thakur son of Late Ramashish Thakur R/o Village-Paharpur Manorath, P.O. Manain, P.S. Sahebganj, District-Muzaffarpur, presently working as peon at Rajkiyakrit High School Bharub, Obra, Aurangabad
41. Sunil Kumar son of Shivji Sahni R/o Village-Jahura, P.O. Tarawn, P.S.-Sahebganj, District-Muzaffarpur, presently working as peon at Rajkiyakrit High School, Bajalpur, Aurangabad
42. Suresh Prasad Son of Jamuna Ram R/o Village and P.O.-Mangrawn, P.S. Nasriganj, District-Rohtas, presently working as peon at Project Kanya High School, Fatehpur, Gaya
43. Dinanath Singh son of Late Moti Lal Singh R/o Village-Patrawal, P.O. Natwar, P.S. Bikramganj, District-Rohtas, presently working as peon at Bakhauri High School, Ishmailpur, Guraru, Gaya
44. Ramji Sharma Son of Khobari Sharma R/o Village and P.O. and P.S.-Suryapura, District-Rohtas, presently working as peon at Sri Anugrah Narayan Singh High School, Satanand, Sagahi, Guraru, Gaya
45. Ravindra Kumar Son of Lala Das R/o Village-Hasanchak, P.O. and P.S.-Harnath, District-Nalanda, presently working as peon at Aadarsh High School, Khudai, Sakhada, Khijar Sarai, Gaya
46. Subansh Prasad Mehta Son of Late Indradeo Mehta R/o Village-Parsajain,



- P.O.-Mirjapur, P.S. Mali, District Aurangabad, presently working as peon at Mahatma Gandhi 10 Plus 2 High School, Naur, Aurangabad
47. Ramadhar Singh son of Late Deo Narayan Singh R/o Village-Chetara, P.S. Fesar, District-Aurangabad, presently working as peon at 10 Plus 2 High School, Siris, Barun, Aurangabad
 48. Rajendra Yadav Son of Late Ratan Yadav R/o Village-Dharhara, P.O. and P.S.-Rafiganj, District-Aurangabad, presently working as peon at Parwati Project Kanya High School, Goh, Aurangabad
 49. Kalindar Ram Son of Sipahi Ram R/o Village-Birani, P.O. Motha, P.S. karakat, District Rohtas, presently working as peon at Gate High School, Aurangabad
 50. Suresh Ram son of Late Chaket Ram R/o Village and P.O.-Jamsadrh (Hatta), P.S. Uchaka, District Gopalganj, presently working as peon at 10 plus 2 Ram Sahay High School, Fatepur, Gaya
 51. Vijay Shankar Tiwari son of Late Kanhaiya Tiwari R/o Village and P.O. and P.S.-Ramgarh, District-Kaimur, presently working as peon at High School, Bare, Bhabhua
 52. Mankeshwar Pandey Son of Late Yogeshwar Pandey R/o Village and P.O. - Patedha, P.S. Maharajganj, District-Siwan, presently working as peon at Uma Shankar Prasad 10 plus 2 High School, Maharajganj, District-Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary Education Department, Bihar, Patna
3. The Director Secondary Education, Patna
4. The District Education Officer, Sasaram
5. The District Programme Officer (Secondary) Rohtas, Sasaram
6. The District Education Officer, Aurangabad
7. The District Programme Officer (Secondary), Aurangabad
8. The District Education Officer, Gaya
9. The District Programme Officer (Secondary), Gaya
10. The District Education Officer, Kaimur
11. The District Programme Officer (Secondary), Kaimur
12. The District Education Officer, Siwan
13. The District Programme Officer (Secondary), Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Narayansingh, Advocate
For the Respondent/s : Mr.Madanjeet Kumar (GP 20)



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 03-10-2023

1. Heard the learned counsels for the petitioners and the respondent- State.

2. The brief facts of the case are that the petitioners including that of the intervener-petitioners in I.A. no. 1 of 2021 are aggrieved by Annexure- 4 i.e. the letter dated 27.06.2019, issued by the Director, Secondary Education, Bihar, Patna, wherein it has been mentioned that the Schools where there are less than 02 Peons, Night Guards are to be appointed temporarily by the School and its Managing Committee on a fixed honorarium of Rs. 5,000/- in order to protect the equipments and devices of smart class. It has further been provided that in future, if any loss would incur due to security lapses, the amount shall be realized from the salary of the Night Guards.

3. Learned counsel for the petitioners submits that in many Schools, there are only one male Peon, as such the male Peon is asked to work as Peon as well as Night Guard. In such a situation, where there is only one male Peon, he has to work continuously for 24 hours and if there is one male and a female Peon then the male Peon has to work for 16 hours as Peon in course of the day and as Night Guard in the night hours. The



grievance of the petitioners is that they are made to work for 16 hours or 24 hours continuously as Peon as well as Night Guards, which amounts to exploitation.

4. The learned counsel for the State, by referring to the counter affidavit, submits that a letter dated 25.10.2019 has been issued by the Director (Secondary Education), Bihar, Patna, in which there is a specific provision that in a School, if there is two or more male Peons, they would work as Night Guard on rotation basis. However, if there is only one male Peon, then in that case, the School Managing Committee would appoint a Night Guard separately from the local resident on the honorarium of Rs. 5,000/- per month. The amount of honorarium shall be paid from the School Development Fund. It has further been mentioned in the aforesaid letter that those Schools where School Managing Committee has not been constituted and/ or no School Development Fund has been created, in such Schools, Vidyalaya Shiksha Samiti shall recommend for selection of one local person as Night Guard on contractual basis and the contract shall be signed by the Principal of the concerned School.

5. The learned counsel for the petitioners, in reply, submits that a direction may be issued to all the District Education Officer to follow the instructions, issued by the



Education Department, as contained in Annexure- A to the counter affidavit i.e. the letter dated 25.10.2019.

6. Having heard the learned counsel for the parties and taking into account the nature of dispute, this writ application stands disposed off with a direction to the concerned respondents to follow the guidelines/ directions contained in letter dated 25.10.2019, issued by the Director (Secondary Education), Bihar, Patna. This Court hopes and trusts that all concerned shall abide by the terms and conditions of the aforesaid letter in its true letter and spirit.

7. The writ petition stands disposed off on the aforesaid terms.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2023
Transmission Date	NA

