

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19466 of 2016

Ramesh Paswan Son of Hakkar Paswan, Resident of Village Amarpur, Police Station- Saharsa Sonbarsa Katchehri, District Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, S/C S/T, Welfare Department, Government of Bihar, Patna.
3. The Director, S/C, S/T, Welfare Department Government of Bihar, Patna.
4. The Deputy Director, Welfare, Koshi Division, Saharsa.
5. The District Welfare Officer, Saharsa.
6. The HeadMaster, Rajkiya Ambedkar Awasiya Uchh Vidyalaya, Amarpur, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh
Mr. Dinesh Maharaj
For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 19-09-2024
1. The petitioner has filed the present writ application for a direction to the respondent-authorities to reinstate him on the post of Security Guard in Rajkiya Ambedkar Residential High School, Amarpur, Saharsa.
 2. Learned counsel for the petitioner submits that the petitioner was a member of private security company, namely, Security Intelligence and Service (SIS), and got training in the year 1995. The petitioner was appointed as Security Guard in the Rajkiya Ambedkar Residential



High School, Amarpur, Saharsa, vide letter, dated 19.07.2011, and thereafter, started working on daily wages at the rate of Rs. 2,000/- per month.

3. By impugned order, dated 10.03.2015, the petitioner was removed from the post of Security Guard on the ground that the petitioner was not engaged on daily wage through security agency as per the circular of the Scheduled Cast and Scheduled Tribe Welfare Department, Bihar (hereinafter referred to as 'SC & ST Welfare Department'), bearing letter no. 1641, dated 09.05.2008.
4. The petitioner filed representation before the Chairman, Bihar State Scheduled Caste Commission, Patna,. The Deputy Director Welfare, Koshi Division, Saharsa, vide Annexure-7, dated 11.03.2015, recommend for reinstatement of the petitioner.
5. Thereafter, by letter, dated 15.05.2015, the respondent-District Welfare Officer, Saharsa, offered the petitioner to work on daily wages as part time sweeper.
6. Learned counsel for the respondents submits that pursuant to the offer made by the District Welfare Officer, Saharsa, the petitioner did not join the said post.
7. He further submits that terms and condition of the



appointment of the petitioner, dated 19.07.2011, clearly says that the appointment of the petitioner was purely on daily wages and in future no claim with respect to Government service would be made by the petitioner and the petitioner can be removed at any time from the status of daily wages. As per the policy of SC & ST Welfare Department, the Security Guard was to be appointed through security agency, but the petitioner was not appointed through security agency, therefore, the petitioner was disengaged as daily wagger. However, the offer was made to the petitioner by the respondent to work on daily wage sweeper, but the petitioner refused to accept the same.

8. Having regard to the submissions advanced by learned counsel for the parties and taking into consideration the terms and condition of the appointment of the petitioner and the fact that the petitioner was engaged as daily wage worker directly by the District Welfare Officer, Saharsa, in violation of the circular, dated 09.05.2008, of the Scheduled Cast and Scheduled Tribe Welfare Department which stipulates that appointment of Security Guard was to be made through security agency, no vested right exist



in favour of the petitioner to work as daily wage worker,
accordingly, I do not find any merit in present writ
application.

9. This writ application stands dismissed.

(Anil Kumar Sinha, J)

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