

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4608 of 2016

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Baban Prasad Singh @ Baban Singh son of Late Kuer Singh resident of
Village - Odar, P.O. - Odar, P.S. - Sonhan, District - Kaimur Bhabua.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Department of Education, Old Secretariat, Patna.
4. The Director, Primary Education New Secretariat, Bailey Road, Patna.
5. The District Superintendent of Education, Rohtas, Sasaram.
6. The Block Education Officer, Kudra, Rohtas at Sasaram.
7. The Headmaster, Govt. Basic School , Jehanabad Kudra, Distt. - Kaimur Bhabua.
8. Shahnawaz Ansari son of Nasim Ansari resident of Kali Sthan Bag - 15, P.O. - Jehanabad Kudra, District - Kaimur at Bahbua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandrashekhar Verma
		Mr. Radha Mohan Pandey
For the Respondent/s	:	Mr. Parijat Saurav, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 30-04-2024 1. The petitioner has filed the present writ application for a direction to the respondent-authorities to regularize the service of the petitioner on the post of Peon in the Middle School, Jehanabad (Kudra), where, according to the petitioner, he worked for about 23 and a half years since May, 1991, and was not allowed to serve on the post after 01.12.2015.



2. Learned counsel for the petitioner submits that the petitioner was appointed by the Headmaster of the school in the year 1991. He worked thereafter and was paid remuneration by the Headmaster out of the donation collected from the teachers and staffs of the school at Rs. 600/- per month.
3. It has further been submitted that on 31.05.2014 an advertisement was published in the daily newspaper for appointment on the post of Peon of the said school on contract basis in which the petitioner applied. Accordingly, admit card was issued in favour of the petitioner for appearing in the examination scheduled to be held on 03.09.2014.
4. The petitioner arrived at the examination centre on the date of examination, but he was not allowed to appear and was debarred on the ground that he was not having matriculation.
5. Thereafter, the petitioner obtained the matriculation certificate and passed Purva Madhyama Degree from Sampurnanad Sanskrit Vishwa Vidyalaya, Varanasi, on 21.08.2015.
6. Since the examination for appointment on the contract



basis was held in the year 2014, the petitioner was not able to produce the certificate, equivalent to matriculation.

7. On the other hand, learned counsel for the State argued that the petitioner was never appointed on the claimed post and he is a stranger. The petitioner has claimed that he has rendered his services since May, 1991, for about 23 and a half years, but no documents and/or appointment letter has been produced by him showing that he was appointed by any competent authority.
8. The petitioner, on his own, is claiming his appointment on the basis of certificate issued by the Headmaster of the school, which states that after retirement of Bhagirath Ram, the post of Peon in the school has fallen vacant w.e.f. 01.04.1991. Except the certificate submitted by the petitioner, no other documents has been produced to show that he was appointed and was paid from the Government exchequer.
9. Learned counsel next submits that the competent authority for appointment on Class-IV post is the Committee headed by the District Magistrate as per the Circular No. 16441, dated 03.12.1980.



10. I have heard learned counsel for the parties and have gone through the materials available on record.
11. It is true that the petitioner has not placed any documents to show that he was appointed by the competent authority, except the certificate issued by the Headmaster of the school. The petitioner has also claimed that he was paid some amount after collecting donation from the teachers and staffs of the school.
12. In the year 2014, the advertisement was published for appointment on the post of Peon in the said school, wherein, opportunity was given to the petitioner to participate. The petitioner was not having the requisite qualification for appointment, as such, he could not be considered. Subsequently, the petitioner obtained qualification for appointment on the post of Peon.
13. The petitioner has not produced any material to show that he continued on the sanctioned post of the Peon prior to the year 2014 and was appointed by the competent authority after following the requirement of Article 14 and 16. In absence of any statute or any scheme of regularization and material to show appointment of petitioner on daily wages by the competent authority on



the sanctioned post, in my considered opinion, no direction can be issued by this Court for regularization of the service of the petitioner.

14. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

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