

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8742 of 2020

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Rupesh Kumar Son of Late Sudama Singh Resident of Village- Barorah, P.O.-
Tineri, P.S.- Guraru, District- Gaya (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education,
New Secretariat Vikas Bhawan, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar,
New Secretariat Vikas Bhawan, Patna.
3. The District Magistrate, Gaya, District- Gaya.
4. The District Education Officer, Gaya, District- Gaya.
5. The Block Education Officer, Guraru, District- Gaya.
6. The Chairman, Vidhyalay Shiksha Samiti, Utkramit Uchhay Vidyalaya,
Barorah, Guraru, District- Gaya (Bihar).
7. The Secretary, Vidhyalay Shiksha Samiti, Utkramit Uchhay Vidyalaya,
Barorah, Guraru, District- Gaya (Bihar).
8. The Principal, Utkramit Uchhay Vidyalaya, Barorah, Guraru, District-
Gaya (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Kant Mishra, Adv.
For the Respondent/s : Mr.Madhaw Prasad Yadaw, GP 23

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 01-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for quashing
of the order contained in letter no.34 dated 16.07.2020 passed
and issued by the Block Education Officer, Guraru (Gaya)
whereby and whereunder appointment of the petitioner on the
post of Night Guard (Ratri Prahari) by the School Education
Committee of Upgraded High School, Barohar, Guraru, Gaya



has been cancelled by completely on non-est and frivolous ground, which is not sustainable in the eye of law. Though the petitioner is continuously working on the said post till date, but respondent authority have not released the salary (Rs.5000/- fixed).

3. Learned counsel for the petitioner submits that earlier the petitioner was appointed on contract basis in Upgraded High School, Barohar, Guraru, Gaya and later on Committee of the school terminated the service of the petitioner and appointed another person namely Ravi Kumar on the same post on contract basis.

4. A counter-affidavit is filed on behalf of the respondent no.4, in which, it is stated that in the meeting of V.S.S. held on 07.10.2020, the concerned In-charge Headmaster-cum-Ex Officio member of V.S.S. had engaged the said Ravi Kumar as Night Guard on contractual basis, whose wife and Bhabhi are also members of the said V.S.S.

5. Considering this fact, the petitioner is directed to file a detailed representation before the District Magistrate, Gaya (respondent no.3) within a period of three weeks and the respondent no.3 is well advised to pass a reasoned order after hearing the petitioner or his counsel, in accordance with law,



considering that the Headmaster has appointed Ravi Kumar, whose wife and bhabhi are members of the said V.S.S.

6. The respondent no.3 is expected to hear all the concerned parties in this case and pass a reasoned and speaking order within a period of ten weeks from the date of receipt of the representation of the petitioner.

7. With the aforesaid directions, this writ application is hereby disposed of.

(Anjani Kumar Sharan, J)

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