

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9318 of 2024

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Mahavali Raj S/o Vishnudev Yadav, R/o Village- Sohma, P.S.- Bithan,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Bihar, Patna.
3. The Regional Deputy Director of Education, Darbhanga Division, Darbhanga, Bihar.
4. The D.D.C.-cum- Chief Executive Officer, Samastipur.
5. The District Magistrate, Samastipur.
6. The S.D.O. Samastipur.
7. District Education Officer, Samastipur.
8. The District Programme Officer (Establishment) Samastipur.
9. The Headmaster, Government High School, Sohma, Samastipur.
10. The Chairman, Vidyalaya Managing Committee, Government High School, Sohma, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. J.K. Roy No. 1, SC-13
		Mr. B.B. Pal, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsels for the parties.

2. This writ application has been filed for the following relief/s:-

“i. For Issuance of writ of mandamus and any other appropriate writ/writs, order/orders, direction /directions to reinstate the petitioner in the Government School, Sohma, Samastipur, as he has been illegally and willingly removed from his job as a Night Guard.



- ii. For that, setting aside Letter No. 28 dated 27- 7-2023 issued by the Headmaster/Incharge Headmaster, Government High School, Sohma, Samastipur and he should be ordered to work as a Night Guard/watchman again in the school where he was previously working.*
- ii. For issuance of any appropriate writ or writs, Rule or direction especially in the nature of mandamus directing the respondents not to disturb the petitioner for discharging his duty for the post of Night-Guard/watchman as he has been appointed in the light of notification issued by the State Government as well as the resolution taken by the Managing Committee of the School, which has been held in presence of local Member of Legislative Assembly (MLA), but the respondent Headmaster, Sohma has not allowed the petitioner to make his signature on the attendance register and work is being taken by him.*
- iv. For further direction to the concerned Respondent's authority to pay the remuneration of the petitioner which is lying in the Govt.'s coffer as the Petitioner has illegally been restrained for discharging his duty by the Headmaster/Incharge Headmaster, Government High School, Sohma, Samastipur.*
- v. For further direction to the respondent's authority to pay the Honorarium in the light of Memo No. 988 dated 18-6-2018 issued under the signature of Deputy Secretary, Education Department, Bihar, Patna whereby and whereunder the honorarium of all the Night Guard working in the School under the State of Bihar has been enhanced from Rs. 1500/- to Rs. 5000/-.*
- vi. For further direction to the concerned respondent's*



authority to pay the honorarium to the Petitioner from the day of illegal removal from his duty by the Incharge Headmaster of the School.

vii. For any other relief/reliefs for which the petitioner is entitled in the larger interest of natural justice.”

3. After some arguments, learned counsel appearing on behalf of the petitioner requests for disposal of the present writ application granting liberty to the petitioner to raise his grievances by filing fresh representation before the District Programme Officer (Establishment), Samastipur (Respondent No. 8), along with all the necessary documents and details in support of his claim.

4. In view of the limited nature of prayer, this writ application is disposed of with liberty to the petitioner to file representation before the District Programme Officer (Establishment), Samastipur (Respondent No. 8) along with all the necessary documents and details in support of his claim within a period of four weeks from today.

5. In the event the petitioner files his representation within the stipulated period, the District Programme Officer (Establishment), Samastipur (Respondent No. 8) shall dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order, preferably within a period of



three months from the date of filing of the representation.

(Prabhat Kumar Singh, J)

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