

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18085 of 2024

1. Punit Kumar Son of Surendra Singh @ Surendra Prasad Singh, Resident of Village -Chainpur, Police Station Goroeyakothi, District-Siwan. Computer Operator, Bisheshwar High School-cum-Inter College, Hariharpur, District - Siwan.
2. Rahul Thakur Son of Surender Prasad Thakur, Resident of Village Bhagar, Police Station Siswan, District-Siwan. Computer Operator, Upgraded High School Bhagar, Anchal - Siswan, District - Siwan.
3. Alka Kumari Wife of Animesh Kumar Shahi, Resident of Village Angauta, Police Station Nautan, District-Siwan. Computer Operator, Upgraded High School Angauta, Anchal Nautan, District - Siwan.
4. Rupam Kumari Wife of Aryan Anand, Resident of Village Angauta, Police Station Nautan, District-Siwan. Computer Operator, High School Pachlakhi, Anchal Siwan Sadar, District - Siwan.
5. Sarika Kumari Daughter of Shivanand Singh, Resident of Village Chainpur, Police Station Goreyakothi, District-Siwan. Computer Operator, plus 2 Premchand High School Sarari, Anchal Goreyakothi, District - Siwan.
6. Anisha Kumari Daughter of Vijay Kumar Singh, Resident of Village Chainpur, Police Station Goreyakothi, District-Siwan. Computer Operator, Gopal Ji Prasad High School -cum- Inter College Sanibasantpur, Anchal Goreyakothi, District - Siwan.
7. Kushum Kumari Wife of Krishnabihari Singh, Resident of Village Chainpur, Police Station Goreyakothi, District-Siwan. Computer Operator, Narayan Karmyogi High School, Anchal-Goreyakothi, District - Siwan.
8. Amrit Raj Son of Uday Narayan Rai, Resident of Village and Post Office-Nainpura, Police Station-Pachrukhi, District-Siwan. MTS (Multi Tasking Staff), V.M. High School-cum- Govt. Inter College, Siwan Sadar, District - Siwan.
9. Ajay Kumar Pandey Son of Janardan Pandey, Resident of Village and Post Office Badram, Police Station Hussainganj, District-Siwan. MTS (Multi Tasking Staff), Gandhi Smarak Vidya Mandir High School -cum- Inter College Pachrukhi, Anchal Pachrukhi, District - Siwan.
10. Sandeep Kumar Singh Son of Bashishtha Singh, Resident of Village Kodai, Police Station Pachrukhi, District-Siwan. MTS (Multi Tasking Staff), Upgraded High School plus 2 Sadikpur Kanya, Pachrukhi, District - Siwan.
11. Vinod Kumar Son of Ramakant Singh, Resident of Village-Orma Mukund, Police Station-Siwan Muffasil, District-Siwan. MTS (Multi Tasking Staff), Govt. Upgraded Middle School Molnapur and Higher Secondary School Mahuari, Siwan Sadar, District - Siwan.
12. Manish Kumar Son of Raghojee Singh, Resident of Village - Orma Nawka Tola, Police Station Siwan Muffasil, District-Siwan. MTS (Multi Tasking Staff), Unch Madhyamik Vidyalaya Barhan, Siwan Sadar, District - Siwan.
13. Niraj Kumar Yadav Son of Amarbir Yadav, Resident of Village Basrtawalia, Police Station Pachrukhi, District-Siwan. MTS (Multi Tasking Staff), Upgraded High School Bartawalia, Ziradei, District - Siwan.



14. Anup Kumar Shahi Son of Lalan Shahi, Resident of Village - Angauta, Police Station Nautan, District-Siwan. MTS (Multi Tasking Staff), High School -cum- Inter College Hasua, Anchal - Nautan, District - Siwan.
15. Sohit Kumar Prasad, Son of Mohan Prasad, Resident of Village and Post Office Angauta, Police Station Nautan, District-Siwan. MTS (Multi Tasking Staff), Upgraded High School Angauta, Nautan, District - Siwan.
16. Govinda Sahani, Son of Daroga Seth, Resident of Village and Post Office Bhagar, Police Station Siswan, District-Siwan. MTS (Multi Tasking Staff), Upgraded Middle School Bhagar, Siswan, District - Siwan.
17. Devchand Kumar son of late Ramashankar Singh, resident of village Sahlaur, Police Station - Sarai O.P., District - Siwan. MTS, Higher Secondary School Supauli, Pachrukhi, District - Siwan.
18. Arti Kumari Daughter of Jiut Mali, resident of village Kuchaikote, Police Station Kuchaikote, District Gopalganj. MTS, Higher Secondary School Karnpura, Siwan Sadar, District - Siwan.
19. Vijay Kumar Ram son of late Chandradeo Ram, resident of village Hardiya, Police Station - Pachrukhi, District - Siwan. MTS, Higher Secondary School Layaway Mahuari, Pachrukhi, District Siwan.
20. Sudhir Kumar son of Parshuram Ram, resident of village Hardiya, Police Station Pachrukhi, District Siwan. MTS, Higher Secondary School Hardiya, Pachrukhi, District - Siwan.
21. Ranju Kumari wife of Rajnikant Singh, resident of village Chainpur, Police Station Goreyakothi, District -Siwan. MTS, Higher Secondary School Satwar, Anchal - Goreyakothi, District Siwan.
22. Rajnikant Singh son of late Sachidanand Singh, resident of village - Chainpur Police Station Goreyakothi, District - Siwan. Security Guard, Higher Secondary School Satwar, Anchal Goreyakothi, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Bihar, Patna.
4. The Director (Administration), Education Department, Govt. of Bihar, Patna.
5. The District Magistrate, Siwan.
6. The District Education Officer, Siwan.
7. The District Programme Officer Establishment (Education), Siwan.
8. The District Programme Officer, Secondary Education, Siwan.
9. The Headmaster, Bisheshwar High School-cum-Inter College, Hariharpur, District - Siwan.
10. The Headmaster, Upgraded Middle School Bhagar, Anchal - Siswan, District - Siwan.



11. The Headmaster, Upgraded High School Angauta, Anchal - Nautan, District - Siwan
12. The Headmaster, High School Pachlakhi, Anchal - Siwan Sadar, District - Siwan.
13. The Headmaster, plus 2 Premchand High School Sarari, Anchal - Goreyakothi, District - Siwan
14. The Headmaster, Gopalji Prasad High School -cum-Inter College Sanibasantpur, Anchal - Goreyakothi, District - Siwan.
15. The Headmaster, Narayan Karmyogi High School, Anchal Goreyakothi, District - Siwan.
16. The Headmaster, V.M. High School -cum- Govt. Inter College, Siwan Sadar, District - Siwan.
17. The Headmaster, Gandhi Smarak Vidya Mandir High School -cum- Inter College Pachrukhi, Anchal Hussainganj, District - Siwan.
18. The Headmaster, Upgraded High School plus 2 Sadikpur Kanya, Pachrukhi, District - Siwan.
19. The Headmaster, Govt. Upgraded Middle School Molnapur, Siwan Sadar, District - Siwan.
20. The Headmaster, Higher Secondary School Barhan, Siwan Sadar, District - Siwan.
21. The Headmaster, Upgraded High School Bartawalia, Pachrukhi, District - Siwan.
22. The Headmaster, High School -cum- Inter College Hasua, Anchal - Nautan, District - Siwan.
23. The Headmaster, Upgraded High School Angauta, Nautan, District - Siwan.
24. The Headmaster, Upgraded Middle School Bhagar, Siwan, District - Siwan.
25. The Headmaster, Higher Secondary School Supauli, Pachrukhi, District - Siwan.
26. The Headmaster, Higher Secondary School Karnpura, Siwan Sadar, District - Siwan.
27. The Headmaster, Higher Secondary School Mahuari, Pachrukhi, District - Siwan.
28. The Headmaster, Higher Secondary School Hardiya, Pachrukhi, District - Siwan.
29. The Headmaster, Higher Secondary School Satwar, Anchal-Goreyakothi, District - Siwan.
30. The Headmaster, Higher Secondary School Satwar, Anchal Goreyakothi, District - Siwan.
31. M/s Raju Caterers, Malsalami Chutkiya Bazar, Bathani Tal, Patna City, Patna.

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.M. Haque, Government Pleader (12)
Mr. Vasant Vikas, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-12-2024 Heard learned counsel for the petitioners and the State.

2. Writ petition has been filed for following reliefs:-

I. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to ensure the payment of honorarium/salary to the petitioners, who have been outsourced in the different Govt. Schools / Inter Colleges in the district of Siwan through M/s Raju Caterers, Patna in compliance of the Letter No. 1305 dated 24.07.2023 issued by the Director Administration, Education Department, Govt. of Bihar and subsequently in the light of the letter no. 2789 dated 24.08.2023 issued by the District Education Officer Siwan, which has arbitrarily been withheld due to callous and negligent attitude of the respondent authorities concerned and the same have not been released in spite of repeated request and representation.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioners in the light of the order of the Hon'ble Supreme Court in the case of Man Singh Vs. State of U.P. vide 2022 live law SC 341, the Apex Court has held that even if appointment was irregular, State has to pay salary for work done by the employee and since the petitioners have legitimately been outsourced through M/s Raju Caterers, Patna in different Govt. schools / colleges in the district of Siwan in compliance of the Letter No. 1305 dated 24.07.2023 issued by the Director Administration, Education Department, Govt. of Bihar and subsequently in the light of the letter no. 2789 dated 24.08.2023 issued by the District Education Officer, Siwan, and, hence, the petitioners are entitled for their payment of arrears of honorarium / salary as well as current honorarium/salary.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to allow the petitioners to discharge their duties on their respective posts as Computer Operators / MTS in their respective Govt. schools / inter colleges without any hindrance till the said



posts is filled up by the regular employees, as the Headmasters of the school, where the petitioners are posted is not allowing them to discharge their duties on one pretext or the other without any rhyme or reason or without any order in this regard since October 2024.

IV. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioners would be entitled in the facts and circumstances of the present case.

3. At the outset, learned counsel for the petitioners submits that the petitioners have already filed representation for redressal of their grievances. However, they may be given liberty to file fresh representation before respondent no. 6 for redressal of their grievance.

4. In view of the nature of prayer made by learned counsel for the petitioners, let the petitioners file such application before respondent no.6 within a period of six weeks from today along with all documents available with them.

5. In the event, if such application is filed within the said stipulated period, respondent no.6 shall look into the matter and dispose of the same by a reasoned and speaking order in accordance with law after hearing the parties, preferably within a period of eight weeks from the date of receipt of the application.

6. Writ petition stands disposed of with the aforesaid directions.

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(Prabhat Kumar Singh, J)

