

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7827 of 2018

1. Manoj Kumar Son of Sri Brij Nandan Singh, resident of Village P.O.- Mahsoura, P.S.- Ramgarh Chowk, District- Lakhisarai, Pin Code- 811107.
2. Janardan Kumar, Son of Sri Gita Prasad, resident of Village- Sansar Pokhar Rachna Road, P.O. Gandhi Tola, Ward No. 17, Lakhisarai, District- Lakhisarai.
3. Manish Kumar, Son of Sri Krishna Nandan Prasad Singh, resident of Village P.O.- Ramcharan Tola, Ward No. 01, P.O. and P.S.- Barhiya, District- Lakhisarai.
4. Sri Ram Paswan, Son of Sri Chandreshwar Paswan, resident of Village P.O.- Malti Tarbanno, P.S.- Asthawan, District- Nalanda, Bihar Sharif.
5. Mukesh Kumar, Son of Sri Devendra Singh, resident of Village P.O.- Babhangama, P.S.- Lakhisarai, District- Lakhisarai, Pin Code- 811311.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Bihar Government, Patna.
3. The Principal Secretary, Personal and Administrative Reforms Department, Bihar Government, Patna.
4. The Joint Secretary, Education Department, Bihar Government, Patna.
5. The Director, Secondary Education, Bihar Government, Patna.
6. The District Magistrate, Lakhisarai.
7. The District Education Officer, Lakhisarai.
8. The D.P.O., R.M.A., Education Department, Bihar Government, District- Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate
For the Respondent/s : Mr. Kameshwar Kumar- GP17

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 30-04-2024

Heard learned counsel for the petitioners and learned
counsel for the respondents.

2. The present writ petition has been filed for a
direction to the respondent authorities to adjust the petitioners



on the post of Grade-IV regular government service who are working in different +2 High Schools, Bihar Government in Lakhisarai District on the post of Night Guard cum Peon. They were appointed by Managing Committees of the concerned government schools according to Memo No. 29 dated 05.01.2009 issued by the Director Secondary Education, Bihar Government, Patna as daily wages employees on a fixed amount per month, which is paid from the development fund of the schools. The petitioners have been working till now from the date of appointment regularly.

3. Learned counsel for the State submits that the petitioners were not appointed on daily wages rather they had been appointed by the Managing Committee of the schools as Night guards on a purely temporary basis. The payment has to be made from the school fund. It has also been mentioned that in the said appointment letter one condition has been imposed that they shall not claim for the service in future.

4. In response, learned counsel for the petitioners submits that Resolution Memo No.1013 dated 26.03.2007 issued from the General Administration Department, Government of Bihar has been issued in the light of different orders passed by this Hon'ble Court which is Annexure-3 to the



writ petition as well as in the light of Bihar Government Resolution dated 16th March 2006.

5. Upon hearing the argument, it transpires to this Court that the petitioners have been appointed on a temporary basis whereas circulars are for daily wagers, and particularly the said appointment has not been made by any government officials rather it was made by the Managing Committee of the school and the payment has also been made from the fund of the school. It is also important to mention here that the said mistake is of 2006-07 while the petitioners were appointed in the year 2009 and he moved before this Court in the year 2018 after the lapse of 9 years. As such, this Court is not inclined to entertain the present writ petition.

6. Accordingly, it is dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	30/04/2024
Transmission Date	NA

