

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1450 of 2020

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Ramesh Kumar Mandal Son of late Baldeo Mandal, Resident of Village Tarwa, P.O. Duldulia, P.S. Pirpanti District- Bhagalpur, Presently Working as Peon High School Chandanpura, P.S. Jamalpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Higher Education Secondary Education, Govt. of Bihar, Department of Education, Bihar Patna.
3. Director, Jan Shiksha, Bihar, Patna.
4. The Director, Secondary Education, Bihar Patna.
5. The District Education Officer, Munger.
6. The Regional Deputy Director of Education Munger Division, Munger.
7. The District Programme Officer, Sarb- Shiksha Abhiyan, Munger.
8. The Head-Master, High School Chandanpura Jamalpur, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Kameshwar Kumar, G.P.-17

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 29-07-2024

Heard learned counsel for the petitioner and learned APP
for the State.

2. By filing the present writ application, the petitioner has prayed to quash/set aside the order bearing letter no. 1667 dated 09.12.2019 issued by DPO, (Primary Education and SSA), Munger by which the petitioner has been directed to perform the duty of Night Guard in the High School, Chandanpura, Jamalpur, Munger, as directed by the Headmaster of the said school and in view of circular issued by Director, Secondary



Education, Bihar, Patna to protect the valuable and costly electronic and other items of the school, otherwise disciplinary action will be taken against the petitioner. It is further prayed for a direction to the authorities concerned not to take work of Night Guard from the petitioner and to continue with the alternative arrangement by appointing local person as a Night Guard of the school.

3. At the outset, learned counsel appearing for the petitioner submits that the similar matter was under consideration of this Court in C.W.J.C. No. 24076 of 2019 (Shri Ram Mandal & Ors vs. the State of Bihar & Ors.), which was disposed of vide order dated 25.07.2023 with a direction to the Director (Secondary Education), Bihar, Patna to review its decision and ensure that appropriate steps be taken in all Higher Secondary Schools in terms of the policy decision of the government to engage night guards.

4. In compliance of the order dated 25.07.2023, the Government of Bihar has withdrawn its letter no. 1969 dated 25.10.2019, whereby certain instructions/directions have been issued by the Director (Secondary Education), Education Department, Government of Bihar in the matter of engagement of Night Guards in the schools.



5. In the facts and circumstances of the case and in view of the law laid down by a co-ordinate Bench of this Court by order dated 25.07.2023 passed in C.W.J.C. No. 24076 of 2019, letter no. 1667 dated 09.12.2019 issued by the District Programme Officer, Sarb Shiksha Abhiyan, Munger (respondent no.7), as contained in Annexure-3 to the writ application, is set aside and this writ application is allowed.

6. The respondent Authority is directed not to take work of Night Guard from the petitioner and he cannot be compelled to work as Night Guard.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2024
Transmission Date	NA

