

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15463 of 2017

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Bholi Sah Son of Mishri Lal Sah, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Department of Education, Govt. of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Education Officer, Saharsa.
6. Asha Devi, D/o Sundar Kant Chaudhary, resident of Village- Mahishi, P.S. Mahishi, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinesh Choudhary, Adv.
For the Respondent/s	:	Smt. Binita Singh, SC-28
For respondent no.6	:	Mr. Chandra Mohan Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 27-11-2025 Heard learned counsel for the petitioner, learned counsel appearing for respondent no.6 and learned counsel for the respondents-State.

2. In the present writ application the petitioner has prayed for the grant of following reliefs:

“1. That, this writ application is being filed for issuance of a writ preferably in the nature of Mandamus, commanding and directing the respondent concerned for re-instate in service to the petitioner who was working from 21.05.2012 on the post of Peon in High school, Chainpur-Parari, Saharsa, but all of sudden Private respondent has joined on the same post by the order of the respondent District Education officer, Saharsa, without any advertisement or taking any norms of the appointment. And/or any other relief/ reliefs for which the petitioner is found entitled to



in the facts and circumstances of the case”

3. From the perusal of Annexure-5, it appears that the petitioner was appointed as Peon on temporary basis. Annexure-5 dated 21.07.2012 is quoted herein below: प्रबंध

"उच्च विद्यालय चैनपुर पदरी, सहरसा
कार्यालय आदेश

विद्यालय प्रबंध कारिणी समिति की बैठक सं0-04 दिनांक-19.05.2012 के द्वारा पारित प्रस्ताव तथा विद्यालय पार्षद सह अध्यक्ष विद्यालय प्रबंध कारिणी समिति उच्च विद्यालय चैनपुर पड़ी, सहरसा की अनुशंसा एवं श्री भोली साह की सहमति के आधार पर श्री भोली साह, पिता श्री मिसरीलाल साह ग्राम+पो०-चैनपुर, थाना-बनगाँव, जिला-सहरसा विद्यालय में आदेशपाल के पद पर नियुक्ति किये जाते हैं। इनका कार्य पूर्णतः अवैतनिक होगा। यह व्यवस्था विद्यालय में वैकल्पिक तौर पर की जा रही है।"

4. After regular appointment was made of respondent no.6, naturally the temporary/alternate/optional appointment of the petitioner came to an end. The submission on behalf of the petitioner that he should have been issued a show-cause notice prior to being removed from the post of Peon, which was purely a temporary and alternative arrangement is misconceived for the reason that the nature of engagement itself was temporary and by way of alternative arrangement subject to regular appointment on the said post. Once the regular appointment took place and respondent no.6 was appointed his services naturally came to an end. There was no need to give show cause



in such curmustances.

5. In such view of the matter, the petitioner has failed to make out a case and hence the present writ application is dismissed.

(Alok Kumar Sinha, J)

Prakash Narayan

