

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14691 of 2022

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1. Nepali Kumar son of Prabhu Thakur, Resident of Village - Beni Bigha, P.S. Bikram, District - Patna posted at Higher Secondary Schools Beni Bigha, Bikram, Patna.
 2. Rohit Kumar son of Ram Kumar Sharma, Resident of Village and P.O. - Gorakhari, P.S.- Bikram, District- Patna, posted at High School, Gorakhari, Bikram, Patna.
 3. Rajnish Kumar son of Birendra Ram, Resident of Village - Mohamadpur, P.S. Bikram, District -Patna, posted at Upgraded Madhaya Vidyalay, Sunderpur, Chauthiya, Patna.
 4. Raj Kumar son of Dwarika Das, Resident of Village- Barah, P.S. Bikram, District- Patna, posted at Madhaya Vidyalay, Barah, Patna.
 5. Sanoj Kumar son of Kishun Deo Mochi, Resident of Village - Patut, P.S. Bikram, District- Patna, posted at Madhaya Vidyalay, Patut, Bikram, Patna.
 6. Shambhu Paswan son of Sajjandhari Paswan, Resident of Village and P.O. - Mahajpura, P.S. Bikram, District- Patna, posted at Higher Secondary School, Mahajpura, Bikram, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Principal Secretary, Human Resources Department, Bihar, Patna.
3. The Director, (Secondary Education), Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Education Officer Patna.
6. The District Programme Officer, Patna.
7. The Head Master, Higher Secondary School, Benibigha, Bikram, Patna.
8. The Head Master, High School, Gorakhari, Bikram, Patna.
9. The Head Master, Upgraded Madhya Vidyalay, Sunder Chauthiya, Bikram, Patna.
10. The Head Master, Madhaya Vidyalay, Barah, Bikram, Patna.
11. The Head Master, Madhaya Vidyalay, Patut, Bikram, Patna.
12. The Head Master, Higher Secondary School, Mahajpura, Bikram, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate Mr. Amrendra Kumar Sinha, Advocate
For the Respondent/s	:	Mrs. Shilpa Singh (Ga12) Mr. Ram Vinay Prasad Singh, AC to GA-12

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA

ORAL ORDER

5 11-04-2025 Heard learned counsels for the parties.

2. The petitioners, six in numbers, were appointed as Night Guard on different dates and in different schools as mentioned hereinbelow:-

Sl. No.	Name of the Petitioner	Date of Appointment	Name of School
1.	Nepali Kumar	06.06.2020	Higher Secondary School, Benibigha, Bikram, Patna
2.	Rohit Kumar	06.06.2020	High School, Gorakhari, Bikram, Patna
3.	Rajnish Kumar	06.06.2020	Upgraded Madhaya Vidyalay, Sunderpur, Chouthiya, Bikram, Patna
4.	Raj Kumar	July 2020	Madhaya Vidyalay, Barha, Bikram, Patna
5.	Sanoj Kumar	24.08.2020	Madhaya Vidyalay, Patut, Bikram, Patna
6.	Shambhu Paswan	06.08.2020	Higher Secondary School, Mahajpura, Bikram, Patna

3. The appointment of the petitioners is stated to be on temporary basis by the Managing Committee of the respective schools.

4. The petitioners' grievance is that their services have been discontinued and they have not been paid salary.

5. Learned counsel for the petitioners submit that

petitioners' services as Night Guard was discontinued from 01.04.2022 and have not been paid salary from the date of their appointment till their services were dispensed with by the authorities, i.e., on 01.04.2022. The fact that the petitioners' services were discontinued from 01.04.2022 have, however, not been pleaded in the writ petition nor it has also been categorically stated by the petitioners in the writ petition that the petitioners have worked as Night Guard from the date of their appointments till their services were discontinued on 01.04.2022.

6. Respondent Nos. 5 & 6 have filed a counter affidavit wherein it has been stated that the engagement of the petitioners as Night Guard in the respective schools were on a temporary basis and their services were discontinued because of their unsatisfactory performance on duty.

7. In absence of the categorical averments made in the writ petition, as to on which date the petitioners' services were discontinued and for which period the petitioners had actually worked as Night Guard, pursuant to their appointments, the respondents in the counter affidavit have also not made a specific statement regarding their date of discontinuation as Night Guard as well as the period, the petitioners have actually

worked.

8. As a result, pleadings made by the parties is found to be inadequate for determination of the grievances raised by the petitioners.

9. However, a reference has been made by the petitioner to a letter No. 1963 dated 15.10.2019, which letter has also been referred to by the respondents in the counter affidavit as letter No. 1969 dated 25.10.2019. Thus, the reference to a letter No. and the date of the letter made by the petitioners as well as the respondents are also in variance.

10. The reference of the letter No. and the date of the letter made by the parties is for contending insofar as the petitioners are concerned that their discontinuation of services have not been made in accordance with the aforesaid letter and insofar as the respondents are concerned, it has been contended that the discontinuation of the petitioners' services have been made in accordance with the aforesaid letter.

11. In the light of the discussions made hereinabove, since the grievance raised by the petitioners in the instant writ petition can not be effectively adjudicated by this Court, for lack of adequate pleadings by the parties, I propose to dispose of this writ petition with a direction to the respondent Nos. 5 & 6 to

re-examine the discontinuation of the petitioners from the services as Night Guard of the respective schools, as well as the claim of the petitioners for payment of the salary for the period for which they have worked, pursuant to their appointment as Night Guards in the respective schools and pass a reasoned order within a period of two months from the date of receipt of a certified copy of the order.

12. The order passed, as directed above shall be communicated to the petitioners.

13. The writ petition is disposed off in the above terms.

(Nani Tagia, J)

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