

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18182 of 2025

Vishwanath Mahto, S/o Rampyare Mahto, resident of Ward No. 07,
Mangalpur, Srinagar, P.S.-Srinagar, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Secondary Education, Education Department, Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. District Education Officer, West Champaran at Bettiah.
5. District Program Officer (EE and SSA), in the office of District Education Officer, West Champaran.
6. The Block Education Officer, Thakara, District-West Champaran.
7. The Head Master, Rajkiya Madhya Vidyalaya, Srinagar, Thakra, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Adv. Mr. Hemant Ray, Adv.
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9 Mr. Yogesh Kumar, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-11-2025 Heard the parties.

2. The petitioner was duly appointed as Night Guard in Rajkiya Madhya Vidyalaya, Srinagar, Block Thakra, District-West Champaran, in pursuant to the guidelines issued by the Government of Bihar, Education Department, vide letter no. 1969 dated 25.10.2019, but he has not been allowed his remuneration/salary since 04.07.2020 till date; hence the present writ application.

3. It is submitted that the petitioner having been



appointed as a temporary Night Guard on contractual basis in the school, in question, submitted his joining on 06.7.2020 and further he was paid salary against the working days as per the acquittance roll prepared by the Head Master of the school; the copy of the acquittance roll has been placed as Annexure-P/4. While the petitioner has been discharging his duty, in the meanwhile, one Anjani Gaddi has also been appointed as a Night Guard and when he has not been allowed salary, he filed a complaint before the Sub-divisional Public Grievance Redressal Officer and later on an appeal before the Additional Collector, Public Grievance Redressal, Additional Collector-cum Public Grievance Redressal Officer, West Champaran. During the course of hearing, a report was called for by the District Education Officer, West Champaran, who submitted a categorical report that the petitioner's appointment is legal and genuine and so far the appointment of Anjani Gaddi is concerned, his appointment is said to be illegal and the act of misuse of power of the Head Master of the school. The copy of the report as contained in letter no. 2988 dated 7.10.2020 is also placed on record. It is thus contended that despite the petitioner having been allowed to discharge the duty as Night Guard, he has been deprived from his due remuneration/salary and thus in complete violation of Article 21 of the Constitution of India, as has been observed by the Apex Court in **Menaka Gandhi v. Union**



of India, [AIR 1978 SC 5997], wherein it has been ruled that *right to livelihood would fall within the expression “life” as explained under Article 21 of the Constitution.*

4. Learned Advocate for the State submitted that the present writ petition has been filed without approaching before any of the authority and, as such, there is neither any demand nor denial; hence the writ of mandamus would not lie.

5. Though this court finds substance in the submission of learned Advocate for the State, however taking lenient view of the matter that the petitioner has been discharging his duty as a Night Guard, this writ petition stands disposed off with a liberty to the petitioner to file a detailed representation before respondents no.6 and 7, who shall look into the matter and ensure payment of due admissible honorarium/salary of the petitioner, preferably within a period of eight weeks from the date of receipt/production of copy of this order, in accordance with law, after proper verification of the record regarding discharge of his duty.

6. The writ petition stands disposed off.

(Harish Kumar, J)

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