

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20008 of 2025

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Aashish Kumar @ Ashish Kumar Son of Shri Ram Bahadur Prasad Yadav alias Ram Bahadur Yadav, Resident of Village- Sahugarh- 01, Diwani Tola, Ward No. 12, Police- Station- Madhepura, District- Madhepura, working as Night Guard at Upgraded Higher Secondary, School, Sahugarh, Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Deputy Secretary, Education Department, Government of Bihar, Patna.
4. The Director, (Secondary Education) Education Department, Government of Bihar, Patna.
5. The Regional Deputy Director of Education, Kosi Division, Saharsa.
6. The District Magistrate, Madhepura.
7. The District Education Officer, Mahdepura.
8. The District Programme Officer, Secondary Education, Madhepura.
9. The Block Education Officer, Madhepura, District- Madhepura.
10. The Headmaster, Upgraded Higher Secondary, School, Sahugarh, Madhepura, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Singh, Adv
For the Respondent/s : Mr.Standing Counsel (6)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 11-12-2025 Heard learned counsel for the petitioner and learned
counsel for the respondent-State.

2. With the consent of both the parties, this writ
application is being disposed of at this stage itself.

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

“(i) For issuance of an



appropriate writ/writs, order/orders, direction/directions, rule or command, especially in the nature of MANDAMUS, commanding and directing the respondents to take appropriate steps in terms of the decision of the State Government to regularise the service of the petitioner on the post of Night Guard in the Upgraded Higher Secondary, School, Sahugarh in the district of Madhepura, where he had been engaged as night guard since 05.11.2009 pursuant to the direction of the Education Department vide Memo No.11/YO-02-04/2007...29, dated 05.01.2009 issued by Respondent No. 4 as would be evident from the certificate issued by headmaster of Upgraded Higher Secondary School, Sahugarh and continued to work as such till date. The petitioner further prays for a direction to the concerned authorities to make payment of his wages/remuneration which is pending due to unwarranted interference of the local MLA and further restrain the respondents not to unsettle the petitioner from the work of Night Guard who is rendering his services regularly to the optimum Satisfaction of the concerned authority since 05.11.2009 and/or any other relief(s) to which the petitioner may be found entitled thereto as this Hon'ble Court may deem just and proper under the



backdrop of the facts and circumstances of the present case.”

4. After advancing some argument, learned counsel for the petitioner submits that for the reliefs claimed for in the present writ application, the petitioner is prepared to file a detailed representation before the District Education Officer, Madhepura within one month from today. Learned counsel for the petitioner further prays that if such a representation is filed within the stipulated time then an appropriate direction be issued to the District Education Officer, Madhepura (respondent no. 7) to dispose of the representation filed by the petitioner on merit within a fixed time frame, after giving an opportunity of hearing to the petitioner.

5. To the aforesaid prayer being made by learned counsel for the petitioner, learned counsel appearing for respondent-State does not have any objection.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file a detailed representation before the District Education Officer, Madhepura within one month from today and if such a representation is filed within the stipulated time then the District Education Officer, Madhepura is directed to dispose of the same on merit



within a further period of six months from the date of filing of the representation, after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order which shall be passed by the District Education Officer, Madhepura should be a reasoned and speaking order. So long as the representation of the petitioner is not finally disposed of by the District Education Officer, Madhepura, the petitioner shall not be disturbed from his service.

7. With the aforesaid observation/direction and liberty granted, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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