



**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5252 of 2025**

1. Arati Devi Wife of Shri Umesh Kumar, Resident of village Jasauli Kharg, Jashauli Tola, Judihata, Police Station Pachrukhi, District Siwan. Multi Tasking Staff, Higher Secondary Gopalpur (Gamharia), Anchal - Pachrukhi, District- Siwan.
2. Bidhanti Devi, Wife of Shri Sanjay Kumar Singh, Resident of village Piprahi, Police Station -Barharia, District - Siwan. Multi Tasking Staff, Higher Secondary Koirigawan, Anchal Barharia, District- Siwan.
3. Archana Kumari, Daughter of Shri Rinku Ranjan Ram, Resident of Village -Jasauli Tola Judihata, Police Station Pachrukhi, District- Siwan. Multi Tasking Staff, Project Kanya High School-cum-Inter College, Pachrukhi, Anchal- Pachrukhi, District Siwan.
4. Koshila Kumari Wife Balinder Manjhi, Resident of village- Narayanpur, Police Station- Thawe, District- Gopalganj. Multi Tasking Staff, Higher Secondary School Jasauli, Anchal- Pachrukhi, District- Siwan.
5. Ranju Kumari, Wife of Sujit Prasad, Resident of Village- Baisakhi, Police Station- O.O. Sarai, District- Siwan. Multi Tasking Staff, Rahul High School-cum-Inter College Balia Karanpura, Anchal- Maharajganj, District- Siwan.
6. Rajan Kumar @ R.Singh Son of Rajendra Singh, Resident of Village- Baisakhi, Police Station- O.O. Sarai, District- Siwan. Multi Tasking Staff, G.M. High School-cum-Inter College Barharia, Anchal- Barharia, District- Siwan.
7. Adarsh Kumar, Son of Hridaya Lal Prasad, Resident of Village- Makhnupur Mauze, Police Station- Pachrukhi, District- Siwan. Multi Tasking Staff, Higher Secondary School Pinarthoo Khurd, Anchal- Daraunda, District- Siwan.
8. Amrit Kumar, Son of Surendra Pandey, Resident of Village- Makhnupur, Police Station- Pachrukhi, District- Siwan. Multi Tasking Staff, Higher Secondary School Hajpurwa Siwan, Anchal- Maharajganj, District- Siwan.
9. Brajesh Kumar Pandey, Son of Tarkeshwar Nath Pandey, Resident of Village Asahani, Police Station- Rasulpur, District- Saran. Multi Tasking Staff, Higher Secondary School Jalalpur, Anchal- Daraunda, District- Siwan.
10. Md. Ajaz Ahmad @ Ajaz Ahmad Son of Imtiyaz Alam, Resident of Village- Chhap Tola Teghra, Police Station- Sarai, District- Siwan. Multi Tasking Staff, Govt. Upgraded Middle School-cum-Higher Secondary School, Ukhai, Anchal- Pachrukhi, District- Siwan.
11. Ravi Kumar, Son of Ramnath Sah, Resident of Village- Gamharia, Police Station- Pachrukhi, District- Siwan. Multi Tasking Staff, Higher Secondary School Sawan Bigrah, Anchal- Daraunda, District- Siwan.
12. Shivesh Kumar, Son of Kamlesh Singh, Resident of Village- Sonbarsa, Police Station- G.B. Nagar Tarwara, District- Siwan. Multi Tasking Staff, higher Secondary School Pakwaliya, Anchal- Daraunda, District- Siwan.
13. Ajad Alam, Son of Aas Mohammad Ansari, Resident of Village- Shividah, Police Station- G.B. Nagar Tarwara, District- Siwan. Multi Tasking Staff





- Higher Secondary School Kauthuan Sarangpur, Anchal- Daraunda, District- Siwan.
14. Priyanka Kumari, Wife of Jitendra Kumar Singh, Resident of Village- Baisakhi Police Station- Sarai Siwan, District- Siwan. Computer Operator, Govt. Upgraded Middle School-cum-Higher Secondary School, Ukhai, Anchal- Pachrukhi, District- Siwan.
  15. Ambika Kumari, Son of Mankeshwar Prasad, Resident of Village- Chandpur, Police Station- Pachrukhi, District- Siwan. Computer Operator, Higher Secondary School, Sadikpur Kanya, Anchal- Pachrukhi, District- Siwan.
  16. Jaiprakash Mihsra, Son of Vijay Mishra, Resident of village- Baisakhi, Police Station- Sarai O.P., District- Siwan. Computer Operator, Upgraded Middle School Jigrahawan (Dhobawaliya), Anchal- Maharajganj, District- Siwan.
  17. Rameshwar Kumar, Son of Daroga Prasad, Resident of Village- Kandhwara Uttar Tola, Srinagar, Police Station- Muffasil Siwan, District- Siwan. Computer Operator, Higher Secondary School Jasauli, Anchal- Pachrukhi, District- Siwan.
  18. Ghulam Makhdoom Ashraf, Son of Nasir Ahmad, Resident of Village- Baisakhi, Police Station- O.P. Sarai, District- Siwan. Computer Operator, Rahul High School -cum- Inter College, Baliya Karnpura Anchal- Maharajganj, District- Siwan.
  19. Archana Kumari, Daughter of Ramesh Singh, Resident of Village- Makhanupur Mauze, Police StAtion- Pachrukhi, District- Siwan. Computer Operator, Project Adarsh Kanya High School-cum-Inter College, Pachrukhi, Anchal- Pachrukhi, District- Siwan.
  20. Kumari Mamta, Wife of Akhileshwar Kumar, Resident of Village- Baghauna, Police Station- Siswan, District- Siwan. Computer Operator, Upgraded High School Baghauna, Anchal- Siswan, District- Siwan.
  21. Shashikant Pandey, Son of Rajaram Pandey, Resident of Village- Makhanupur, Police Station- Pachrukhi, District- Siwan. Computer Operator, Higher Secondary School Karsaut, Anchal- Daraundha, District- Siwan.
  22. Vikash Kumar Pandey, Son of Surendra Nath Pandey, Resident of Village- Makhanupur, Police Station- Pachrukhi, District- Siwan. Computer Operator, Higher Secondary School Hajpurwa, Anchal- Maharajganj, District- Siwan.
  23. Anurag Kumar Gupta, Son of Rajan Kumar Gupta, Resident of Village- Pachrukhi, Police Station- Pachrukhi, District- Siwan. Computer Operator, Ganchi Smarak Vidya Mandir High School-cum-Inter College, Pachrukhi, Anchal- Pachrukhi, District- Siwan.
  24. Pankaj Tiwari, Son of Anil Tiwari, Resident of Village- Jalalpur, Police Station- Daraunda, District- Siwan. Computer Operator, Higher Secondary School Jalalpur Kachahari, Anchal- Daraunda, District- Siwan.
  25. Viswajeet Kumar Singh, Son of Ramakant Singh, Resident of Village- Ramsapur, Police Station- Daraunda, District- Siwan. Computer Operator, Higher Secondary School Kothuan Saranpur, Anchal- Daraunda, District-





Siwan.

26. Umesh Kumar Manjhi, Son of Sri Bhagwan Manjhi, Resident of Village- Itwa Mauze, Police Station- Pachrukhi, District- Siwan. Computer Operator, Higher Secondary School Bal Bangra, Anchal- Daraunda, District- Siwan.
27. Arun Kumar, Son of Harrishankar Singh, Resident of Village- Jasauli Bodhi Singh Ke Tola, Police Station- Pachrukhi, District- Siwan. Security Guard, Higher Secondary School Jasauli, Anchal- Pachrukhi, District- Siwan.
28. Mamta Devi, Wife of Vijay Kumar Singh, Resident of Village- Hasanpurva Naya Tola, Police Station- Siwan, District- Siwan, Security Guard, Higher Secondary School Harjipurva, Anchal- Maharajganj, District- Siwan.
29. Rafi Ahmad, Son of Ishtekhar, Resident of Village- Balapur, Police Station- Barhariya, District- Siwan. Security Guard, Higher Secondary School Koirigawan, Anchal- Barhariya, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Additional Secretary-cum-Budget Officer, Education Department, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Bihar, Patna.
5. The Director (Administration)-cum-Additional Secretary, Education Department, Govt. of Bihar, Patna.
6. The Director, Bihar Education Project Council, Bihar, Patna.
7. The Administrative Officer, Bihar Education Project Council, Bihar, Patna.
8. The District Magistrate, Siwan.
9. The District Education Officer, Siwan.
10. The District Programme Officer Establishment (Education), Siwan.
11. The District Programme Officer, Secondary Education, Siwan.
12. The Headmaster, Higher Secondary Gopalpur (Gamharia), Anchal- Pachrukhi, District- Siwan.
13. The Headmaster, Higher Secondary Koirigawan, Anchal- Barhariya, District- Siwan.
14. The Headmaster, Project Kanya High School-cum-Inter College, Pachrukhi, Anchal- Pachrukhi, District- Siwan.
15. The Headmaster, Higher Secondary School Jasauli Kharg, Anchal- Pachrukhi, District- Siwan.
16. The Headmaster, Rahul High School-cum-Inter College Balia Karanpura, Anchal- Maharajganj, District- Siwan.
17. The Headmaster, G.M. High School-cum-Inter College Barhariya, District- Siwan.
18. The Headmaster, Higher Secondary School Pinarthoo Khurd, Anchal-





Daraunda, District- Siwan.

19. The Headmaster, Higher Secondary School Hajipurwa Siwan, Anchal- Maharajganj, District- Siwan.
20. The Headmaster, Higher Secondary School Jalalpur, Anchal- Daraunda, District- Siwan.
21. The Headmaster, Govt. Upgraded Middle School-cum-Higher Secondary School, Ukhai, Anchal- Pachrukhi, District- Siwan.
22. The Headmaster, Higher Secondary School Sawan Bigrah, Anchal- Daraunda, District- Siwan.
23. The Headmaster, Higher Secondary School Pakwaliya, Anchal- Daraunda, District- Siwan.
24. The Headmaster, Higher Secondary School Kauthuan Sarangpur, Anchal- Daraunda, District- Siwan.
25. The Headmaster, Higher Secondary School, Sadikpur Kanya, Anchal- Pachrukhi, District- Siwan.
26. The Headmaster, Upgraded Middle School Jigrawan (Dhobabaliya), Anchal- Maharajganj, District- Siwan.
27. The Headmaster, Upgraded High School Baghauna, Anchal- Siswan, District- Siwan.
28. The Headmaster, Higher Secondary School Karsaut, Anchal- Daraundha, District- Siwan.
29. The Headmaster, Gandhi Smarak Vidya Mandir High School-cum-Inter College, Pachrukhi, Anchal- Pachrukhi, District- Siwan.
30. The Headmaster, Higher Secondary School Bal Bangra, Anchal- Daraunda, District- Siwan.
31. M/S Raju Caterers, Malsalami Chutkiya Bazar, Bathani Tal, Patna City, Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr.Umesh Kumar Mishra,, Advocate |
| For the BEPC         | : | Mr.Girijish Kumar, Advocate      |
|                      | : | Mr.Akash Anand, Advocate         |
| For the Respondent/s | : | Mr.Government Pleader (13)       |

**CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR**  
ORAL ORDER

2 19-01-2026

Heard the parties.

2. The present writ petition has been filed for the following reliefs:-

*“(i) For issuance of an appropriate*





*writ in the nature of mandamus for commanding and directing the respondent authorities concerned to ensure the payment of honorarium/salary to the petitioners, who have been outsourced in the different Govt. Schools / Inter Colleges in the district of Siwan through M/s Raju Caterers, Patna in compliance of the Letter No. 1305 dated 24.07.2023 issued by the Director Administration, Education Department, Govt. of Bihar and subsequently in the light of the letter no. 2789 dated 24.08.2023 issued by the District Education Officer, Siwan, which has arbitrarily been withheld due to callous and negligent attitude of the respondent authorities concerned and the same have not been released in spite of repeated request and representations.*

*(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to consider the case of the petitioners in the light of the order of the Hon'ble Supreme Court in the case of Man Singh Vs. State of U.P. vide 2022 live law SC 341, the Apex Court has held that even if appointment was irregular, State has to pay salary for work done by the employee and since the petitioners have legitimately been outsourced through M/s Raju Caterers, Patna*





*in different Govt. schools / colleges in the district of Siwan in compliance of the Letter No. 1305 dated 24.07.2023 issued by the Director Administration, Education Department, Govt. of Bihar and subsequently in the light of the letter no. 2789 dated 24.08.2023 issued by the District Education Officer, Siwan, and, hence, the petitioners are entitled for their payment of arrears of honorarium / salary as well as current honorarium/salary.*

*(iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to allow the petitioners to discharge their duties on their respective posts as MTS/Computer Operators / Security Guard in their respective Govt. schools / inter colleges without any hindrance till the said posts is filled up by the regular employees, as the Headmasters of the school, where the petitioners are posted is not allowing them to discharge their duties on one pretext or the other without any rhyme or reason or without any order in this regard.*

*(iv) For issuance of an appropriate writ in the nature of as an alternative prayer of the petitioners to dispose of their representation by reasoned and speaking order by ventilating their genuine grievances for*





*ensuring the payment of their honorarium/salary as well as current salary without any further delay and also allow the petitioners to continue on their respective posts and direct the concerned Headmaster to allow them to mark to mark their regular attendance.*

*(v) For issuance of any other writ/writs, order/orders, direction/directions for which the petitioners would be entitled in the facts and circumstances of the present case.”*

3. At the outset, learned counsel for the respondents submits that the writ petition is not maintainable, as the petitioners are outsourced employees engaged through M/s Raju Caterers, Patna, in different schools/colleges in the district of Siwan, and there is no direct employer–employee relationship between the petitioners and the respondent authorities.

4. It is further submitted that even assuming that honorarium has not been paid to the petitioners, M/s Raju Caterers, being the outsourcing agency, has not filed the present writ petition, instead, the petitioners themselves have approached this Court.

5. Learned counsel for the respondents relies upon the





judgment passed by a Coordinate Bench of this Court vide order dated 09.12.2025 in CWJC No. 2673 of 2025, wherein the Coordinate Bench observed as under:—

“Since the petitioner was appointed by the outsourcing agency, the liability for payment of his wages rests upon the vendor/agency and not upon the State Government and/or its authorities.”

6. Accordingly, the present writ petition is dismissed, with liberty to the petitioners to ventilate their grievances before the appropriate forum, if so advised, in accordance with law.

**(Ritesh Kumar, J)**

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