

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7708 of 2014

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Manish Bihari, son of Sri Bipin Bihary, Resident of Flat No.-42, Ganga Mahal
Apartment, J.C. Road, Antaghat, Patna, P.S. Pirbahore, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Science and Technology
Department, Bihar, Patna
2. The Joint Secretary, Science and Technology Department, Bihar, Patna
3. The Deputy Secretary, Science and Technology Department, Bihar, Patna
4. The Director, Science and Technology Department, Government of Bihar,
Patna
5. The Deputy Director (Planning), Science and Technology Department, Bihar,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Respondent/s : Mr. Binodjee Verma, GP-17

Mr. Krishna Kumar Singh, GP-17

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 29-01-2015

Heard the parties.

The petitioner is aggrieved by the order dated 24.07.2013
(Annexure-7) passed by the Director, Science and Technology
Department, Government of Bihar, Patna (respondent no.4) whereby
the prayer of the petitioner for extension of his contractual
appointment has been rejected.

It is common case of the parties that the petitioner was
appointed on contractual basis on the post of lecturer at New
Government Polytechnic, Patna. It is also not in dispute that
subsequently contractual appointment of the petitioner was not
renewed and at the relevant time, when the impugned order was
passed, the contract between the petitioner and the respondents does
not survive.

Now, the law has been well settled by a constitution Bench
of the Hon'ble Apex Court in the case of **Secretary, State of**

Karnatka & Anr. V. Uma Devi(3) and others [(2006)4 SCC 1 particularly paragraph 43 that the contractual appointment comes to an end with the end of contract. In view of the law laid down by the Hon’ble Apex Court and in view of the fact that there is no subsisting contract for the post in question as also for the reasons recorded in the impugned order, this Court is not inclined to interfere with the impugned order dated 24.07.2013 (Annexure-7). Consequently, the writ petition stands dismissed.

However, if fresh selection process is started, the petitioner shall be at liberty to apply afresh and his case shall be considered in accordance with law without being prejudiced by the present order.

(Birendra Prasad Verma, J)

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