

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1582 of 2012

IN

Civil Writ Jurisdiction Case No. 6704 of 2012

Kumar Prashant, son of Sri Harihar Prasad Srivastava, Resident of House No. B/7, Ganga Bridge Colony, P.S. – Hajipur, District – Vaishali.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, General and Administrative Department, Government of Bihar, Patna.
2. The Principal Secretary, General and Administrative Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Secretary (Expenditure), Department of Finance, Government of Bihar, Patna.
5. The Additional Finance Commissioner, Finance Department (Expenditure), Government of Bihar, Patna.
6. The District Magistrate, Vaishali.
7. The Sub-Treasury Officer, Lalganj, Vaishali.

.... Respondents

Appearance :

For the Appellants : Mr. Rajendra Narain, Sr. Advocate
Mr. Krishna Kant Singh, Advocate
For the Respondents : Mr. Rajesh Kumar, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 08-12-2015

Heard Sri Rajendra Narain, learned senior counsel in support of this Intra-Court Appeal.

The appellant was the writ petitioner.

Admittedly, as per the case of the writ petitioner/appellant, he was on a purely contractual appointment as Data Entry

Operator, which was terminated in the year 2009. The writ petition was filed in 2012. The learned Single Judge did not interfere in the matter, inasmuch as it was purely contractual appointment and the appellant had approached the writ court after long undue delay.

The writ court also noticed that the appellant has since been offered fresh appointment, it observed that it was for the writ petitioner/appellant to consider the same.

Be that as it may, the facts as aforesaid, we find no infirmity in the order of the learned Single Judge, and we are not inclined to interfere in the matter, this appeal is, accordingly, dismissed.

However, we may observe that if the requirements of work are perennial in nature State must endeavour to fill them up by regular employment, rather than by contractual appointees for short terms renewed on short term basis which results in undesirable and unethical practice.

(Navaniti Prasad Singh, J.)

(Anjana Mishra, J)

Rajeev/N.A.F.R.

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