

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1551 of 2012

IN

Civil Writ Jurisdiction Case No. 13594 of 2007

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Anil Kumar Verma, Son of Late Binay Kumar Verma, C/O Dr. A.K. Verma,
Resident of Kishori Mohan Complex, Road No. 3, Shikariya More, P.S. - Rampur,
District – Gaya.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Director, Tuberculosis Demonstration and Training Centre, Agamkuan, Patna – 7.
3. The District Health Society (T.B. Control), Bhim Rao Ambedkar Market Complex, Gaya , through its Chairman.
4. The District Magistrate-Cum-Chairman, District Health Society (T.B. Control), Gaya.
5. The Deputy Development Commissioner-Cum-Vice-Chairman, District Health Society, (T.B. Control), Gaya
6. The Programme Manager, District Health Society, Gaya.
7. The District Tuberculosis Officer, Gaya.
8. The Civil Surgeon-Cum-Secretary, District Health Society, Gaya.
9. The Assistant Project Officer, District Rural Development Authority, Gaya.
10. The District Land Acquisition Officer-Cum-Establishment, Deputy Collector, Gaya.
11. The Additional Collector, Gaya
12. The Medical Superintendent, Lady Eligin Janana Hospital, Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. MD. JAVED JAFAR KHAN

For the Respondent/s : Mr. NAMRTA MISHRA GP17

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 30-07-2015

The impugned order is dated 05.04.2012 passed in C.W.J.C. No. 13594 of 2007. Since the learned Single Judge refused to interfere with the order dated 15.05.2007 rescinding the contract issued by the Collector, Gaya, the present appeal has been preferred.

2. The petitioner-appellant does not dispute that his

appointment was on the basis of contract valid for a year on the post of Laboratory Technician. Certain complaints and grievances were received with regard to the manner in which selection on the posts on contract was made. The three members Inquiry Committee was set up and finding of the inquiry committee has been reproduced as part of the order impugned.

3. Such a position clearly indicates as to how the selection even on contract was made without following reservation policy and availability of posts etc.

4. De hors, the above facts the appointment of the petitioner was made on contract for a year. If authority has decided to terminate the same after issuing show causes to such appointees including the petitioner the remedy for the petitioner would be filing of a suit for appropriate damage for breach of contract not a writ application. The principle of service jurisprudence is not available to the petitioner since he is not a permanent employee of the State.

5. No interference is warranted with the impugned order of the learned Single Judge.

6. Accordingly, the appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajendra Kumar Mishra, J)

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