

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.524 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 6346 of 2014**

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1. Meera Kumari, Wife of Binay Kumar, Resident of Village - Goray Bathan, Police Station, Gogri, District Khagaria Worked as Incharge Warden Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District Khagaria.
 2. Kishan Kumar Singh, Son of Shri Devendra Prasad Singh, Resident of Village & P.O. Sanhauli, Police Station Chitragupta Nagar, District Khagaria, Worked as Accountant, Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District Khagaria.
 3. Ajay Kumar Singh, Son of Sri Sahdeo Singh, Resident of Village - Baurana, Police Station, Gogri, District Khagaria, Worked as Night Guard, Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District Khagaria.
 4. Rekha Kumari, Wife of Shri Rajeev Ranjan, Resident of Village & P.O. Baurana, Police Station - Gogri, District - Khagaria, Worked as Main Cook, Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District Khagaria
 5. Sangeeta Kumari, Wife of Shri Gopal Rajak, Resident of Village & P.O. Baurana, Police Station - Gogri, District - Khagaria, Worked as Assistant Cook, Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District Khagaria
 6. Sanju Kumari, Wife of Shri Bindeshwari Jha, Resident of Village & P.O. Baurana, Police Station - Gogri, District - Khagaria, Worked as Assistant Cook, Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District Khagaria

.... Appellants

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The State Project Director, Bihar Education Project Shiksha Bhawan, Rastra Bhasha Parishad Campus, Saidpur, Rajendra Nagar, Patna
4. The District Magistrate, Khagaria
5. The District Education Officer, Khagaria
6. The District Programme Officer, Primary Education and Sarv Shiksha Abhiyan, Khagaria
7. The Block Education Officer, Gogri, District Khagaria
8. The Headmaster Cum Sanchalak, Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District Khagaria
9. The Secretary, Adhoc Education Committee, Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District- Khagaria.
10. Mr. Vinayak Kumar Singh, President, Adhoc Education Committee, Kasturba Gandhi Residential Girls School, Baurana, Anchal Gogri, District Khagaria
11. Mr. Lalbabu Yadav, Sambhag Prabhari, Kasturba Gandhi Valika Vidyalaya, Office of District Education Officer (Sarv Shiksha Abhiyan), Sub Divisional Campus, Khagaria

.... Respondents

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Appearance :

For the Appellants : Mr. Rajesh Sinha, Advocate.
For the State : Mr. Parth Sarthi, G.A. 11
Mr. Mrigendra Kumar, A.C. to G.A. 11
For B.E.P.C. : Mr. Girijish Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-05-2016

Re.: I.A. No. 2342 of 2015

The application is for condonation of delay of 8 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay of 8 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 2342 of 2015 is allowed and delay of 8 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 524 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 22nd of October, 2014 in C.W.J.C. No. 6346 of 2014, whereby the writ application challenging the termination of the services of the appellants remained unsuccessful.



2. The appellants were appointed on contract basis for a period of one year. The appointment of the appellants were cancelled vide letter dated 10th of July, 2013. The appellants submitted representation. In pursuance of the direction of this Court, the representation of the appellants was considered and order was passed on 13th of January, 2014 by the Director, Bihar Education Project Council. It was found that the Principal Sri Satyendra Narayan Singh has already been suspended and that the proceedings of the Education Committee was conducted in a fraudulent manner when imposter was brought to the meeting and the meeting was held in the absence of the President of the Education Committee.

3. The appellants challenged the said order before this Court and the said challenge has remained unsuccessful before the learned Single Bench.

4. Admittedly, the appellants were appointed on contract basis for a period of one year. Their services were dispensed with after completion of one year. The selection has been found to be tainted inasmuch as there was imposter in the meeting of the Selection Committee constituted in terms of the guidelines for appointment of the Institution Staff.

5. Since the appellants were contractual employees and their services have been terminated after completion of the contract

period, we do not find that the appellants have any legally enforceable claim which can be enforced through the Writ Court.

6. We do not find any merit in the Letters Patent Appeal, which is dismissed.

7. Needless to say that if there is any fresh advertisement published inviting application for appointment, the appellants, if eligible, can apply for appointment, which shall be considered in accordance with law.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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