

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3386 of 2014

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Surendra Kumar Son Of Ram Chandra Manjhi Resident Of Village- Gajipur, P.O.-
Civil Aerodrome, P.S. Magadh Medical College, District- Gaya

.... Petitioner

Versus

1. The State Of Bihar Through The Divisional Commissioner, Magadh Division,
Gaya
2. The Divisional Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The Sub-Divisional Officer, Sadar, Gaya
5. The Deputy Director, Welfare, Magadh Division, Gaya
6. The District Welfare Officer, Gaya
7. The Block Development Officer, Gaya Town, Gaya
8. The Circle Officer, Gaya Town, Gaya
9. The Block Welfare Officer, Gaya Town, Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Adv.

For the Respondent/s : Mr. Alok Ranjan, AC to GA6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-11-2016

Heard Mr. Bibhakar Tiwary, learned counsel appearing for
the petitioner and Mr. Alok Ranjan, AC to GA6, for the State.

Twin prayers have been made by the petitioner, who while
seeking a writ in the nature of mandamus to command the respondents
to produce the order dated 24.12.2013 passed by the District
Magistrate, Gaya, whereby the appointment of the petitioner to the
post of Vikash Mitra, Gram Panchayat Dhansir, in the District of
Gaya has been set aside, also prays that upon its production, the
dismissal order be quashed by issuance of a writ in the nature of
certiorari.



The petitioner was appointed pursuant to an advertisement placed at Annexure 3 for a period of eleven months vide appointment letter dated 25.3.2010 placed at Annexure 4. It is not in dispute that this contractual engagement was never renewed although the petitioner has continued on his post until his termination.

In the aforesaid view of the matter, where the appointment was contractual and valid for 11 months expiring on 24.2.2011, the termination of appointment by the respondents would not require any interference even it is resting on a conclusion regarding the caste status of the petitioner. While the petitioner claimed appointment on the basis of a caste certificate, a copy of which is placed at Annexure 2, belonging to 'Bhuiya' caste which comes under the Scheduled Caste category, it is the view of the respondents in reference to some documents that the petitioner is 'Kumhar' by caste, which comes under Backward category. It is not in dispute that the petitioner has taken recourse to a title suit arising from T.S.No. 1/2014 for declaration of his caste and which is pending consideration before Munsif I, Gaya.

In my opinion, in view of such disputed circumstances where there are documents supporting the claim of the petitioner while there are also documents supporting the view of the respondents, for terminating his appointment, I am not persuaded to interfere with the termination order and until such time that the caste



of the petitioner is conclusively declared in the suit, the relief cannot be granted on disputed facts. Even otherwise, the nature of appointment of the petitioner being contractual and valid for eleven months only vide appointment order placed at Annexure 4 which has long expired, no enforceable right exists in the petitioner to pursue his relief.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2016
Transmission Date	NA

