

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.790 of 2015

Arising out of

Civil Review No. 293 of 2014

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1. Sangeeta Kumari, Wife of Sri Dhanik Lal Yadav, Resident of Village Jafra, P.S.
- Bisffi, District - Madhubani.
2. Meena Devi, Wife of Sri Radhe Shyam Yadav, Resident of Village - Jafra, P.S.
- Bisfi, District - Madhubani.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Director, Social and Welfare Department, Government of Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The District Magistrate, Madhubani.
5. The District Programme Officer, Madhubani.
6. The Child Development Project Officer, Bisfi Block, District - Madhubani.
7. The Mukhiya, Gram Panchayati Raj, Jafra, District - Madhubani.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suresh Prasad Singh, Advocate

For the Respondent/s : Mr. Kaushal Kishore Jha, AAG 14

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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: 20-04-2016

The order dated 11.02.2014 passed by the learned Single Judge in Civil Review No. 293 of 2014 is the subject matter of challenge in the present Letters Patent Appeal.

The learned Single Judge has found that the appellants were contractual employees and, therefore, their services could be

terminated within the contracted period in terms of condition of appointment. Such termination has been upheld by three different departmental authorities.

The sole argument of learned counsel for the appellants is based upon the order dated 26.09.2013 passed in CWJC No. 16628 of 2010 (Sunita Devi & Another vs. The State of Bihar & Ors.) wherein, according to the appellants, similarly situated Anganwari Sevikas/Anganwari Sahayikas were ordered to be reinstated. Therefore, claiming parity with the aforesaid writ petitioners, the appellants claim that they should be permitted to be reinstated.

We do not find any merit in the said argument. In Sunita Devi's case (supra), no objection was raised that the petitioners are contractual employees and their services have been terminated in terms of the contract and they are not entitled to be reinstated. Since no objection was raised, the learned Single Judge has not dealt with such question. However, in the present case, the Court has noticed the nature of employment as contractual and that the appellants are not entitled to be reinstated on account of their termination on contractual basis.

We do not find any merit in the order of the learned Single Judge which may warrant any interference by this Court in the present Letters Patent Appeal.

The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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