

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10050 of 2013

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Manindra Kumar Son of Shiv Shankar Prasad Singh, resident of village and P.O.-
Devapur, P.S.- Barauli, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Science and Technology Department, Government of Bihar,
Patna
3. Director, Science and Technology Department, Government of Bihar, Patna
4. Principal, Muzaffarpur Institute of Technology, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Shanti Pratap and Arvind Kumar Varma, Advs.

For the Respondent/s : Mr. Dhurjati K. Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 14-09-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has been working as Instructor in M.I.T,
Muzaffarpur on contract basis. Earlier he was engaged on daily wager
but later on he was employed on contract basis. He has filed this
application for regularisation in service and so much so, challenged
the action of respondents that they are going to appoint any other
person in his place on contract whereas he has been working since
long.

The prayer for regularisation in service cannot be
entertained in view of the Rules framed by the Department of Science
and Technology, which has been notified, vide Memo No. 2149 dated

8.9.2015 and in pursuance thereof, the Government has sent requisition for appointment of Instructors of different trade. Altogether 591 posts have to be filled up on permanent basis.

Apprehension has been raised by the petitioner that he has already crossed the maximum age of the appointment so his case will not be considered on merit though he has been working on daily wages substituted by contract basis renewed from time to time should be granted the benefit of relaxation.

In such view of the matter, if the petitioner applies against the vacancy that has to be published by the Staff Selection Board, Bihar, Patna, the maximum benefit of relaxation will be granted to the petitioner, taking into consideration that he has been discharging the duty since long, first as a daily wager substituted by contract basis. This order will only be applicable to the present petitioner, it will not be extended to others.

Accordingly, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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