

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1328 of 2017

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Asin Mohammad, Son of Jamadar Mian, resident of Village & P.O.- Dhanauti,
P.S.- Pakridayal, District- East Champaran at Motihari (Bihar), At present
care of Md. Alamgir, Near House of Md. Manauar Alam Grillwala, New
Azimabad, Sandalpur, P.S. Bahadurpur, P.O. Mahendru, District- Patna
(Bihar)

... .. Appellant/s

Versus

1. Bihar Education Project Council, Shiksha Bhawan, Rastrabhasa Parishad,
Saidpur, Rajendra Nagar, Patna- 800004 (Bihar) through the State Project
Director.
2. Development Commissioner-cum- Chairman, Executive Committee, Bihar
State Project Council, Patna (Bihar).
3. The State Project Director, Bihar Education Council, Shiksha Bhawan,
Rastrabhasa Parishad, Saidpur, Rajendra Nagar, Patna- 800004 (Bihar).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raju Giri, Advocate

For Respondent No.3,4 : Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-12-2017

Seeking exception to an order passed by the
learned Writ Court on 04.09.2017 in C.W.J.C. No. 6157 of 2016



this appeal has been filed under Clause 10 of the Letters Patent.

In the matter of terminating the contract appointment of the appellant on account of certain allegations made, the question was as to whether the termination amounts to casting a stigma against the appellant and thereby warranting complying with the principles of natural justice and grant of opportunity of hearing, the learned Writ Court has dealt with the matter in extenso and has found that in terminating the contract appointment of the appellant resting on ineffective functioning of the appellant which was only a motive and not foundation for termination, has refused to interfere into the matter and various judgments with regard to terminating the service, the effect of motive and foundation have been relied upon.

The findings recorded by the learned Writ Court does not call for any interference. We find that the period of contract for which the appellant was also appointed is over and a contract appointee cannot continue any further in the service.

That being so, holding that the reasons for termination on the grounds which formed the reasons shall not caste any stigma on the appellant and shall not come in his way in seeking any future appointment, we find no ground to interfere into the matter.



With the aforesaid observations and clarifications,
the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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