

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8187 of 2014

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1. Parwez Alam Ansari S/o Wasi Ahmad Resident of Mohalla - Saadpura (Main Road), P.O. Ramna, P.S. Kazi Mohammadpur, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue & Land Reforms, Government of Bihar, Patna
3. The District Magistrate, Madhubani
4. The Deputy Collector (Establishment), District - Madhubani
5. The Sub - Divisional Officer, Sub - Divisional - Fulparas, District - Madhubani
6. The Circle Officer, Fulparas, District - Madhubani

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Chandan

For the Respondent/s : Mr. P.K. Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 04-08-2017

Heard both sides.

The petitioner has filed this writ petition for quashing the order dated 31.03.2014, as contained in memo No. 595, issued under the signature of respondent No.3, (Annexure-10) and for quashing the order, as contained in memo No. 420 dated 01.04.2014, issued under the signature of respondent No.6, (Annexure-11) by which the service of the petitioner as Amin has been terminated.

The learned counsel for the petitioner submits that petitioner was appointed as Amin on 02.05.2012 vide order, as contained in memo No. 842 dated 22.05.2012, for one year. After one year, the petitioner submitted his application for his continuance as Amin on 13.04.2013. The Deputy Collector, Establishment intimated the petitioner to send the letter of extension of his service



through Sub-divisional Officer with his recommendation. Accordingly, the petitioner submitted his application for extension of his service as Amin but the Collector vide Annexure-8 dated 14.05.2013 forwarded the letter to Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna for approval of extension of contractual service of the petitioner but thereafter no communication was made nor any approval was granted. It is submitted that without any reason the Collector, Madhubani discontinued the service of the petitioner with effect from 01.04.2014 without any fault of the petitioner. It is submitted that the Collector himself was empowered to extend the contractual service of the petitioner after 01.04.2013 to 31.03.2014 although the authorities continued to take work from the petitioner but did not extend his service and the Collector has issued the letter asking the concerned authority not to take work from the petitioner with effect from 01.04.2013.

The learned counsel for the State- respondents has submitted that the contract of the petitioner was not extended and the petitioner has got no right to claim the extension of his contractual service.

Having considered the submission of the parties, I find that the petitioner was appointed on 02.05.2012 for one year on contract basis and after completion of work the petitioner, of course, submitted his application for extension of contract but the contract was not extended. However, the authorities took work from the petitioner although the Collector issued letter directing not to take work from the petitioner as his contract was not extended and also directed to make approval for payment of salary to the petitioner, who worked from 02.05.2012 till 31.03.2013.

On the face of it, it appears that petitioner had entered into service on contract basis for one year and after expiry of period the contract was not



extended. Accordingly, I do not find any force in the submission that the authorities should have extended the period of contract. This writ petition is, accordingly, dismissed with a direction to the respondents to make payment of the legal dues of the petitioner within a period of two months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.08.2017
Transmission Date	N.A.

