

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.686 of 2016

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Nesar Alam, son of Md. Subhan Khan, resident of village- Tikar, P.S.- Atri,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar, Patna.
2. The Deputy Inspector General of Police, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Superintendent of Police, Gaya.
6. The Officer in Charge of Atri Police Station, Gaya.
7. Chandra Shekhar Singh, Ex. Officer in Charge of Atri Police Station, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv.
Mr. Virendra Kumar, Adv.

For the Respondent/s : Mr. Anil Kr. Verma, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 10-04-2018

Heard Mr. Virendra Kumar, learned counsel appearing for
the petitioner and Mr. Anil Kumar Verma, learned Assisting
Counsel to Additional Advocate General No.9 for the State.

The petitioner prays for extension of his appointment on
the post of Special Police Officer which engagement has admittedly
ceased to exist since after 2011. It is not in dispute that the
petitioner was appointed as a Special Police Officer for the period
2009-10 and which appointment was extended again vide order
dated 24.5.2010 at Annexure 1 for the period 2010-11. The
grievance of the petitioner is that since after 2011 he has not been



given extension.

The fact is admitted in the counter affidavit in which it is stated that since the name of the petitioner was not recommended for extension for the period 2011-12 so his service has been dispensed with. Mr. Verma, learned AC to AAG-9 submits that since the appointment was contractual on year to year basis that the competent authority has not felt satisfied to renew the same and further a period of 5 years has since lapsed after the expiry hence there is no scope for extension.

I do agree with the submissions advanced by the learned State Counsel inasmuch as there is a cessation of the relationship between the petitioner and the respondents in the year 2011 and considering the nature of appointment which was contractual, that a period of almost 7 years has gone by, any relief at this stage would be in the nature of grant of fresh appointment. Not being persuaded to grant such relief, the writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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