

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7918 of 2013

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Anil Rajak S/O Udlal Rajak R/O Village- Yusufpur, P.S.- Khusrupur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Its Principal Secretary Human Resources Deptt., Govt. Of Bihar, Patna
2. 'Jeevika' Bihar Rural Livelihoods Promotion Society, Through Its State Project Manager Vidyut Bhawan, Annexe-11, 1st Flore Bailey Road, Patna-800021
3. The Controlling Officer (Persasi Padadhikari) 'Jeevika' Bihar Rural Livelihoods Promotion Society, Vidyut Bhawan, Annexe-11, 1st Flore, Bailey Road, Patna-800021
4. The State Project Manager Human Resources Deptt., Govt. Of Bihar, Patna
5. The Area Co-Ordinator, Patna (Brlps)
6. The District Program Manager Human Resource Deptt., (Brlps), Patna
7. Prakhand Program Manager Prakhand- Dovi, Distt.- Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Adv
For the respondent no. 2:	:	Mr. Abhinav Srivastava, Adv
For the Respondent/s	:	Mr. PARTH SHARTHI, SC-10

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 10-01-2018

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the JEEVIKA(respondent no. 2).

This petition under Article 226 of the Constitution of India has been filed for setting aside the order of termination of the services of the petitioner by respondent no. 4 w.e.f. from 19.12.2011.

The petitioner was appointed on the post of Community Co-ordinator by voluntary organization JEEVIKA



under Bihar Rural Livelihoods Promotion Society, which receives fund by World Bank as well as Government of Bihar to implement welfare schemes. The terms and conditions of appointment were determined between the employer and employee, and he joined on the post on 01.08.2008 and the said contract was valid till 30.09.2010 with renewal clause. The performance of petitioner as Community Co-ordinator was found not to be satisfactory and he remained absent from duty without any information to his Supervisor from 15.12.2009. The BPM, BPIU-Dobhi by letter dated 15.12.2009, indicated that the petitioner was absent from the field without any prior information and inspite of being warned orally as well as in writing, he did not improve himself and a detailed report showing his unauthorized absence was sent to the Head Office. A show cause was also issued to the petitioner on 24.02.2010 to submit his explanation and petitioner vide application dated 09.07.2011 showed his intention to resign from the post. The petitioner submitted his resignation on 09.07.2011 to P.M. Dobhi, Gaya and thereafter remained continuously absent. As such his services were terminated w.e.f. 01.08.2011. The petitioner is not the holder of any civil post nor he is a Government Servant and organization in which he has been



appointed on contract basis for a specified period, does not come within the definition of State or its instrumentality under Article 12 of the Constitution of India. The petitioner has been given sufficient opportunity and the principles of natural justice has been fully complied. It was a contractual appointment and the same was terminated because of unsatisfactory performance of the petitioner and the petitioner has no right to continue on the said post, as such the present petition filed by the petitioner is without any merit.

However, it is made clear that if any salary (honorarium) is due to him, he may file representation before the competent authority giving details of his due honorarium and the competent authority after examining the claim of the petitioner if found that the salary or honorarium is due to the petitioner, the same would be paid to the petitioner within three months from the date of filing of the representation along with certified copy of this order.

The writ petition is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.01.2018
Transmission Date	N.A.

