

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9756 of 2013

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1. Aman Prakash Son Of Late Shiv Murat Ram Resident Of Village Baghini, P.S. Mohania, District - Kaimur At (Bhabua) Pin Code - 821107
2. Sanjeev Patel Son Of Ganesh Prasad Singh Resident Of Village Rajarampur, P.S. Saraiyan District - Muzaffarpur, Pin Code - 843126

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary, Labour Resources Department, Government Of Bihar, New Secretariat, Patna
2. The Principal Secretary, Labour Resources Department, Government Of Bihar, New Secretariat, Patna
3. The Joint Secretary, Labour Resources Department, Government Of Bihar, New Secretariat, Patna
4. The Deputy Secretary, Labour Resources Department, Government Of Bihar, New Secretariat, Patna
5. The Director, Directorate Of Employment And Training (Training Wing) Labour Resources Department, Government Of Bihar, New Secretariat, Patna
6. The Deputy Director, Directorate Of Employment And Training (Training Wing), Labour Resources Department, Government Of Bihar, New Secretariat, Patna
7. The Assistant Director, Directorate Of Employment And Training (Training Wing), Labour Resources Department, Government Of Bihar, New Secretariat, Patna
8. The Secretary, Bihar Staff Selection Commission, Po - Veterinary College, Patna - 800014

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-08-2018 Counsel for the petitioners fairly submits that the prayer made in this writ petition is covered by order dated 18.6.2014 passed in CWJC No. 7767 of 2013, whereby the claim for regularization of other similarly situated Instructors has been rejected by this Court. The relevant extract of the said order is being reproduced herein:-

“15. The basic prayer, therefore, of regularization and continuance of these petitioners on the



respective posts of Trade Instructors on the basis of initial contractual engagement cannot be ordered in the factual and legal background.

16. This writ application, therefore, cannot be allowed in isolation as no clear and categorical right in favour of these petitioners emerge looking at the background under which they came to be engaged. The appointment of these petitioners was contract for service and not of service and the State cannot be restrained from bringing the contract to an end by terminating the contract if they decide not to extend the period of their engagement.

17. However, since a fresh exercise would be required to be carried out by the respondents to fill up the posts, it is left open to the State to consider the efficacy of continuance of these petitioners on the posts since the interest of the students already pursuing their studies cannot be allowed to suffer. The writ application, however, is dismissed as being devoid of merit.”

In view of the aforesaid situation the petitioners’ writ petition must also meet the same fate.

The writ petition stands dismissed.

(Madhuresh Prasad, J.)

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