

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13284 of 2018

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Manoj Kumar Mishra, S/o Bashuki Nath Mishra, R/o Village- Murcha, Post
Office- Sahuria East, Police Station- Saurbazar, District- Saharsa

... .. Petitioner

Versus

1. The High Court of Judicature At Patna Through Registrar General, Patna High Court, Patna
2. The Registrar General, Patna High Court, Patna
3. The District & Sessions Judge, Madhepura
4. The Registrar, District & Sessions Court, Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha
For the Respondent/s : Mr. Satyabir Bharti

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 05-11-2018

Heard learned counsel for the petitioner and
learned counsel for the High Court.

In the present case, the petitioner had applied as
Personal Assistant against the advertisement for 100 posts of
Personal Assistant. None of the applicants could qualify in the
examination, but 75 persons were taken on contract basis for six
months on consolidated pay of Rs.30,000/- subject to condition
to qualify in the subsequent test conducted by the High Court.
Out of 75 persons, 41 persons have joined.

It has been informed that after six months the
examination of those persons, who were working on contract



basis has been conducted in the preceding Sunday and they are waiting for the result. The name of the petitioner has been mentioned at serial no.40 of the merit list.

The grievance has been made that he was not allowed by the District Judge to work as Personal Assistant on contract basis in the establishment of this Court. In the application, the petitioner has made a prayer to relieve him to join this Court as Personal Assistant. Rule-68 of the Bihar Service Code only prescribes lien of a permanent employee, there is no dispute or quarrel in this line, but it is also an admitted fact that the petitioner has never applied for leave and at the same time he has only made a prayer for relieving him with lien. The law does not so provide, if a person wants a relieve from his permanent post he cannot claim that his lien should remain attached, lien will remain attached when a person obtained the leave of any nature and the competent authority grants the leave, his lien would remain attached with the post.

As the persons who have been taken in service on contract basis, their period of contract has already expired and qualifying test has already been conducted, in such circumstance, there is no purposes to again ask the petitioner to file a leave application get a place of Personal Assistant on



contract basis in this Court.

In such view of the matter, this Court does not find any merit in this writ petition. Accordingly, the same is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
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