

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21858 of 2012

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Sarita Kumari, Wife of Amrendra Kumar, R/O Village + P.O.- Madhumpur, P.S.-
Phenhaira, Distt- East Champaran at Motihari Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
 2. The Director, Primary Education, Government of Bihar, Patna
 3. The District Education Officer, East Champaran at Motihari
 4. The District Programme Officer, Primary Education and Sarvashiksha Abhiyan,
Bihar Shiksha Pariyojana, East Champaran at Motihari Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date: 21-08-2018

Heard learned counsel for the petitioner and State.

2. The petitioner is aggrieved by the order as contained in Memo No. 1018 dated 27.08.2012 (Annexure-1) passed by the District Programme Officer, Primary Education and Sarvashiksha Abhiyan (respondent no.4) whereby the petitioner, who working as Warden in Kasturba Gandhi Balika Vidyalaya, Phenhaira, East Champaran along with two full time teachers were terminated from the date of issuance of the office order (Annexure-1).

3. The petitioner was appointed as Warden vide Annexure-2 for a period of one year, which was subject to extension on satisfactory performance.

4. Learned counsel for the petitioner submits that for one day absence show-cause notice was issued by the headmaster of the school and again by the District Programme Officer and thereafter the petitioner has furnished the explanation for the absence, but



without considering the aforesaid explanation the petitioner was terminated vide Annexure-1.

5. From the terms and conditions contained in Annexure-2, the Court does not find that the petitioner has indecisive right to continue on the post. The initial engagement was for a period of one year, which expired in the year 2011 itself and thereafter the petitioner was granted extension on satisfactory performance. Office order as contained in Annexure-1 is innocuous and does not cast any stigma on the competence or otherwise of the petitioner, since the terms and conditions contained in Annexure-2 does not confer any right to hold the post beyond one year. The Court also does not find any justification to interfere with the order as contained in Annexure-1. However, it is made clear that Annexure-1 will not in any manner cause prejudice to the petitioner. In case, the respondents conduct selection process in future, they have to consider the case of the petitioner like any other candidates without being prejudiced by Annexure-1.

6. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2018
Transmission Date	

