

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14138 of 2017

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Manoj Kumar Sinha, Son of Shri Gopal Prasad, Resident of Village- Mora,
P.O.- Meyar Garh, P.S.- Chhabilapur (Rajgir), District- Nalanda (Biharsharif).

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Rural Works Department, Bihar, Patna.
3. The Additional Secretary, Rural Works Department, Bihar, Patna.
4. The Deputy Secretary, Rural Works Department, Bihar, Patna.
5. The Engineer In Chief, Rural Works Department, Bihar, Patna.
6. The Chief Engineer-II, Rural Works Department, Bihar, Patna.
7. The Executive Engineer, Rural Works Department, Works Division, Bayasi,
Purnea.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Dr. Uma Shankar Prasad, Senior Advocate Mr. Sanjay Kumar, Advocate Mr. Kamala Kant tiwary, Advocate
For the Respondent/s	:	Mr. P.N.Shahi -AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 26-09-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

In this case, the petitioner is impugning the action
of the respondents as his service has been dispensed with vide
order containing memo no.13849 dated 10.12.2016.

The petitioner was appointed as Junior Engineer on
contract basis in the Rural Works Department vide office order



no. 182 dated 31.07.2009. Time to time the period of contract was extended and the last period which has been extended in his favour through Memorandum dated 07.02.2017 and that period has also been expired.

Learned counsel for the petitioner submits that his service has been dispensed with on the complaint made by one Hon'ble M.L.A. dated 26.10.2016, that was inquired into and did not find any substance in his allegation, even then the services of the petitioner has been dispensed with.

In the counter affidavit, it has been averred that a Committee of Yashpal Mena, I.A.S. was constituted and he has found some irregularities in execution of the work and also found certain discrepancies in the work.

It appears that the employees posted along with the petitioner of different levels were served with *Prapatra-K*. As the service of the petitioner was on contract basis, on account of completion of period of contract, automatically the services of the petitioner has come to an end and the department did not choose to initiate departmental proceeding against the petitioner.

As the period of contract is over by efflux of time and the persons who have posted along with the petitioner have also been served the charge-sheet on the basis of the inquiry



report, this Court cannot give issue *mandamus* for granting the re-employment to the petitioner. However, if any advertisement takes place the petitioner will be at liberty to apply against the said advertisement and the authority will consider his case and take decision in accordance with law.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	29.09.2018
Transmission Date	N/A.

