

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1400 of 2017

In

Civil Writ Jurisdiction Case No.4542 of 2013

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Neelam Kumari W/o Shri Prabhu Kumar Resident of Village- Mahuwa,P.S.
Chiraiya, District- East Champaran(Motihari), At Present Appellant/s
Versus

1. The State of Bihar.
 2. The Director, Bihar Education Project Council, Bihar, Patna.
 3. The District Magistrate, East Champaran, At Motihari.
 4. The District Superintendent of Education Cum District Programme Co-ordinator, East Champaran(Motihari).
 5. The District Education Officer, East Champaran(Motihari).
 6. The District Programme Officer, East Champaran (Motihari).
 7. The Block Education Officer, Chiraiya, East Champaran.
 8. The Principal, K.G.B.V., Chiraiya, East Champaran.
 9. The Secretary, K.G.B.V. , Chiraiya, East Champaran. Respondent/s
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Appearance :

For the Appellant/s : Mr. D. K. Sinha, Sr. Advocate
Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey -AAG15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 09-10-2018 Feeling aggrieved and dissatisfied with the impugned order passed by the Learned Single Judge, dated 11.08.2017, in C.W.J.C. No. 4542 of 2013, by which the Learned Single Judge has dismissed the said petition preferred by the appellant-the original writ petitioner, the original writ petitioner has preferred the present Letters Patent Appeal.

The facts leading to the present Letters Patent Appeal are as under:

That the original writ petitioner was appointed as a Teacher on a contractual basis for a fixed period of



one year in the Kasturba Gandhi Balika Vidyalaya, Chiraiya, which was set up under the "Sarva Shiksha Abhiyan".

That her case was put up before the Committee to consider whether her contractual period is required to be extended or not, as it was found that the performance of the original writ petitioner was not satisfactory and, therefore, she was served with the notice with certain allegations, which was replied by the original writ petitioner and, thereafter, after considering the reply, the Selection Committee took a decision not to extend the contractual period and to relieve her from service, more particularly, having not satisfied with the performance of the original writ petitioner.

Feeling aggrieved and dissatisfied with the order, being Memo No. 57, dated 12.01.2013, issued by the District Programme Officer, East Champaran, by which the original writ petitioner was relieved on her not extending the contractual period, the original writ petitioner has preferred the present Letters Patent Appeal.

Number of submissions have been made by the learned senior counsel appearing on behalf of the appellant-the original writ petitioner that the charges leveled against the original writ petitioner are not proved



and, in fact, no detailed departmental enquiry has been initiated.

However, considering the fact that the appointment of the original writ petitioner was a contractual appointment subject to her extension, which was on the basis of the performance of the Teacher / the original writ petitioner and thereafter it was found that her performance was not satisfactory and the opinion was given after giving an opportunity to the original writ petitioner and considering her submission, and thereafter her services were put to an end and her contractual service was not extended, thereafter, the same has been confirmed by the Learned Single Judge, it cannot be said that the Learned Single Judge has committed any error. We are in complete agreement with the view taken by the Learned Single Judge.

For the reasons stated above, the present appeal deserves to be dismissed and is accordingly dismissed.

There shall be no order as to costs.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

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