

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.918 of 2017**

**In**  
**Civil Writ Jurisdiction Case No.14453 of 2007**

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1. The Director, Bihar Education Project, Patna.
  2. The District Education Superintendent cum District Programme Coordinator, Bihar Education Project, Jamui.

... .. Appellant/s

Versus

1. Sanjeet Kumar Sinha S/o Late Bhuwaneshwar Prasad Sinha, resident of Village - Mangobandar, P.S. - Khaira, District - Jamui.
2. The State of Bihar through the Chief Secretary, Bihar, Patna.
3. The Secretary, Primary and Adult Education Department, Government of Bihar, Patna.
4. The District Magistrate, Jamui.

... .. Respondent/s

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**Appearance :**

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|------------------------|---|------------------------------------|
| For the Appellant/s    | : | Mr. Girijish Kumar, Advocate       |
| For the State          | : | Mr. Ashutosh Ranjan Pandey, AAG-15 |
| For private respondent | : | Mr. Jayant Kr. Karn, Advocate      |
|                        |   | Mr. Hemant Kr. Karn, Advocate      |

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**and**  
**HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date : 27-04-2018**

Heard learned counsel for the parties.

The advertisement was issued on 26.05.2005 for appointment on the post of Night Guard for a period of 11 months. The nature of appointment being such and since it was not an appointment under the State or quasi State, this Court has doubt whether a writ application itself could have been maintained against the grievance of the private respondent that he did not receive his appointment letter in time.



Obviously, the engagement was on contract for service and not of service. If this be so, there was no occasion for the learned Single Judge to pass an order to hire or employ the private respondent after almost 12 years of the advertisement vide impugned order dated 27.04.2017.

The above facts are good enough grounds to interfere and set aside the order dated 27.04.2017. Appeal is allowed. Impugned order dated 27.04.2017 is set aside.

**(Ajay Kumar Tripathi, J)**

**( Nilu Agrawal, J)**

Rajesh/-

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| AFR/NAFR          | NAFR       |
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