

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5806 of 2019

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Premlata Kumari, wife of Rajesh Dubey, resident of Village-Nilkanthpur, P.S.
Suryapura, Dist.-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of the Rural Development Department, Govt. of Bihar, Patna
2. The Bihar Rural Livelihoods Promotion Society, State Rural Livelihoods Mission, Bihar through its State Project Director, Vidyut Bhawan, Bailey Road, Patna
3. The State Project Director, Bihar Rural Livelihoods Promotion Society, State Rural Livelihoods Mission, Bihar Vidyut Bhawan, Bailey Road, Patna
4. The State Project Manager- HRD, Bihar Rural Livelihoods Promotion Society, State Rural Livelihoods Mission, Bihar Vidyut Bhawan, Bailey Road, Patna
5. The District Project Manager, Bihar Rural Livelihoods Promotion Society, State Rural Livelihoods Mission, Banarsiya Mor-Sarai, Sasaram (Rohtas), Dist.-Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sourendra Pandey, Adv
For the Respondent/s : Mr. Vinay Kriti Singh (GA-2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 12-04-2019

The services of the petitioner, who worked as
Community Co-ordinator, BPIU, Bikramganj has been
terminated by order dated 15.11.2018, which is under
challenge in the present petition.

2. The petitioner was appointed on 20.01.2014
on a contract basis for two years. It appears that on
16.12.2016, the petitioner submitted her resignation but



because of her being a good performer, she was advised by the Project Director, persuading her to rejoin the services which she rejoined on 07.01.2017. However, because of personal reasons and also for her being transferred to a distant place in BPIU, i.e. Tilouthu, she could not join her duties till 08.04.2018. On the charge of willfully absenting herself from the duty, her services have been terminated.

3. The learned counsel for the petitioner has fairly conceded that if she would have worked regularly, the tenure would have ended in January, 2016, but at the same time has submitted that with respect to other Community Co-ordinators, such appointment on contract is being renewed regularly and persons who were appointed along with the petitioner are still continuing with several such extensions.

4. Under the aforesaid circumstances, it has been prayed in the writ petition that even though the petitioner has accepted the charges on the asking of her departmental superiors, the aforesaid charge be condoned



and her services be directed to be resumed.

5. Considering the fact that the appointment of the petitioner was purely contractual which was for a period of two years and there is nothing on record to indicate that there had been an extension of the period of contract, this Court finds it difficult to accede to the request of the learned counsel for the petitioner to pass any order for absorption of the petitioner and direct for her continuance in the contractual appointment with the BPIU.

6. However, considering the other background facts which find mention in the writ petition and the enclosures thereto, this Court only expresses hope and trust that in case the respondents/authorities of the Project deem it necessary to re-engage the petitioner afresh, such termination on the ground of acceptance of the guilt of remaining absent willfully without any reason be not taken into account to the discredit of the petitioner and her candidature be considered in the light of the good service that she had performed, if any future appointment



is thought of.

7. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16/04/2019

