

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7520 of 2019

1. Nikhil Kumar Son of Prabhat Kumar Singh Resident of Ward no.28, Lohiya Nagar, Suhird Nagar, Begusarai presently working as Guest Assistant Professor/Lecturer on contract in Rashtrakavi Ramdhari Singh Dinkar Engineering College, Begusarai, Bihar.
2. Kundan Kumar Son of Sri Shailesh Singh Resident of Village-Mathiyapur, P.O-Jamsaut Danapur, P.S Sahapur District-Patna presently working as Guest Assistant Professor/Lecturer on contract in Saharsa Engineering College, Saharsa, Bihar.
3. Raushan Kumar Son of Sri Rajendra Prasad Resident of Village-Haribella, P.S-Bathnaha Harri, District-Sitamarhi presentlty working as Guest Assistant Professor/Lecturer on contract in Rashtrakavi Ramdhari Singh Dinkar Engineering College, Begusarai, Bihar.
4. Kumar Saurabh Son of Vidya Bhushan Das Resident of-108 E/1 Behind Mir Singh Compound, Munirka Village South West Delhi, District-Delhi presently working as Guest Assistant Professor/Lecturer on contract in Saharsa Engineering College, Saharsa, Bihar.
5. Srideo Kumar Son of Sudama Pandit Resident of Village and P.O-Dharmdiha, Near Prathmik Vidyalaya P.S-Barahat District-Banka presently working as Guest Assistant Professor/Lecturer on contract in Purnea Engineering College, Purnea, Bihar.
6. Priya D/o Chandra Bhushan Singh Resident of Village-Adharpur, P.O-Teghra District-Begusarai presently working as Guest Assistant Professor/Lecturer on contract in Rashtrakavi Ramdhari Singh Dinkar Engineering College, Begusarai, Bihar.
7. Rajiv Kumar Singh Son of Dip Narayan Prasad Singh Resident of-Pokhar Road, Badi Sardho, District-Bhagalpur Guest Assistant Professor/Lecturer on contract in Rashtrakavi Ramdhari Singh Dinkar Engineering College, Begusarai, Bihar.
8. Ajay Kumar Son of Sri Madhusudan Pandit Resident of Village and P.O-Shahpur P.S-Nawhatta District-Saharsa, presently working as Guest Assistant Professor/Lecturer on contract in B.P Mandal College of Engineering College, Madhepura, Bihar.
9. Alisha Priya D/o Sri Ajay Kumar Ranjan Resident of Village-Masiyan P.O-Andi, P.S-Bind District-Nalanda presently working as Guest Assistant Professor/Lecturer on contract in B.P Mandal College of Engineering College, Madhepura, Bihar.
10. Ajay Kumar Son of Shatrughan Sah Resident of-Mahua Bazar, Rasalpur Sonbarsa Raj District-Saharsa presently working as Guest Assistant Professor/Lecturer on contract in Supaul Engineering College, Supaul, Bihar.
11. Adarsh Raj Son of Sri Raj Kishore Prasad Resident of-Ajamnagar, Lalbagh P.S-L.N Mithila University District-Darbhanga presently working as Guest Assistant Professor/Lecturer on contract in Supaul Engineering College, Supaul, Bihar.



12. Sneha Kumari D/o Hari Nandan Yadav Resident of-Laloo Nagar, ward no.3, District-Madhepura presently working as Guest Assistant Professor/Lecturer on contract in B.P Mandal College of Engineering College, Madhepura, Bihar.
13. Devanand Tiwari Son of Sri Vidya Sagar Tiwari Resident of Village-Bhariyar P.O-Yogia P.S-Brahmpur District-Buxar presently working as Guest Assistant Professor/Lecturer on contract in Shersah College of Engineering, Sasaram, Bihar.
14. Monu Kumar Son of Suresh Prasad Resident of-Sadar Chowk, Opposite Jyoti Jewellers Village-Dehri Bazar, P.S and P.O-Dheri on sone District-Rohtas presently working as Guest Assistant Professor/Lecturer on contract in Shersah College of Engineering, Sasaram, Bihar.
15. Pritam Anand Son of Ramesh Bhagat Resident of Village and P.O-Muraut Alamnagar District-Madhepura presently working as Guest Assistant Professor/Lecturer on contract in Shersah College of Engineering, Sasaram, Bihar.
16. Pammi Kumari D/o Sri Birendra Prasad Gupta Resident of-Patori Bazar, Ward no.6, Pachgachiya District-Saharsa presently working as Guest Assistant Professor/Lecturer on contract in Government Engineering College, Banka, Bihar
17. Anjani Kumari S/o Anant Prasad Singh Resident of House no.-1030, Ward no.-6, Gali no.-5, Ashok Vihar District-Sonipat Haryana presently working as Guest Assistant Professor/Lecturer on contract in Government Engineering College, Banka, Bihar.
18. Manish Kumar Son of Sri Girish Prasad Gupta Resident of-Punai Chak, Near P.N.B Bank District-Patna presently working as Guest Assistant Professor/Lecturer on contract in Government Engineering College, Banka, Bihar.
19. Neeraj Kumar Son of Daman Chandra Mishra Resident of Haldhar Jha Lane Bargachh Chauk, Barari District-Bhagalpur presently working as Guest Assistant Professor/Lecturer on contract in Government Engineering College, Banka, Bihar
20. Chandan Kumar Jha Son of Bibhash Chandra Jha Resident of-Raja Bari Lane Khirnighat Road, River Ganges Bari Khanjarpur, District-Bhagalpur presently working as Guest Assistant Professor/Lecturer on contract in Government Engineering College, Banka, Bihar
21. Sweety Kumari D/o Basudev Mandal Resident of Village-Ram Nagar P.O-Polytechnic, Maranga District-Purnea. presently working as Guest Assistant Professor/Lecturer on contract in Purnea Engineering College, Purnea, Bihar.
22. Sajal Chakraborty Son of Sadhan Kumar Chakraborty Resident of-Durga Asthan Professor Colony, District-Katihar presently working as Guest Assistant Professor/Lecturer on contract in Purnea Engineering College, Purnea, Bihar
23. Ravi Chandan Son of Ram Pravesh Mandal Resident of Village-Kahalgaon Tola P.O-Khawaspur, P.S-Pirpaiti, District-Bhagalpur presently working as Guest Assistant Professor/Lecturer on contract in Purnea Engineering



College, Purnea, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Science and Technology, Bihar, Patna.
2. The Principal Secretary, Department of Science and Technology, Bihar, Patna.
3. The Principal Secretary, Department of General Administration, Bihar Patna.
4. The Joint Secretary, Department of Science and Technology, Bihar Patna.
5. The Special Secretary, Department of Science and Technology, Bihar Patna
6. The Director, Department of Science and Technology, Bihar Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Adv. Mr. Manoj Kumar Manoj, Adv.
For the Respondent/s	:	Mr. Pushkar Narain Sahi, Sr. Adv.-AAG-6 Mr. Sanjeet Kumar Singh, AC to AAG-6

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 08-07-2019 Heard learned counsel for the petitioners and the
counsel appearing on behalf of the State.

Petitioners have filed the present writ application
challenging the order 08.03.2019 of the respondents inviting
application for appointment on contractual basis.

Mr. Pushkar Narain Shahi, learned senior counsel for
the respondents have placed reliance on the decision of this
Court in the case of Nitesh Kumar i.e. C.W.J.C. No. 7873 of
2017. This Court on consideration of various aspect of the
matter and the Division Bench judgment in the case of **The
State of Bihar through Principal Secretary, Department of**



Labour Resources & Ors. Vs. Bimlesh Kumar Pandey & Ors. reported in **2016(3) PLJR 188** has held out that in the event of change in the qualification contractual employee can be replaced by another set of contractual employee the decision of this Court was subsequently approved by the Division Bench.

Having regard to the fact that this Court has relied upon judgment of the Division Bench and the judgment of this Court was reaffirmed by the Division Bench, the Court has to adopt the same view in considering the present writ application. Since, the earlier appointment was guest teacher now the respondents have decided to appoint on contractual basis on changed qualification the Court does not find any infirmity in the decision of the respondents. However, in the process of appointment on contractual basis the respondents have to see that those who answer the eligibility and qualification in terms of the subsequent advertisement for appointment on contractual basis they have to consider the case of those guest lecturer. If the Guest Lecturer hold the qualification which is now requirement in terms of the amended qualification that in that case the respondents cannot substitute them.

The candidate who does not answer the amended qualification have no right to continue and oppose the



consideration and appointment of contractual teachers.

The submission of Chitranjan Sinha, learned counsel appearing on behalf of petitioners that the validity of the rule is challenged before a Division Bench does not restrain this Court from taking decision as it is now well settled that the rule is valid unless it is held to be ultra virus.

In view of the above, the interim order passed in this case merged with this final order.

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

(Anil Kumar Upadhyay, J)

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