

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3610 of 2017

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Kaushal Kishore Bhagat son of Shri Ram Chandra Bhagat resident of Village
- Kanuari Bujurg, P.S. - Ganga Bridge, District - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary minor irrigation Department, Bihar, Patna.
3. The Principal Secretary, Minor Irrigation Department, Bihar, Patna.
4. The Deputy Secretary, Minor Irrigation Department, Bihar, Patna.
5. The Chief Engineer, Minor Irrigation Department, Muzaffarpur.
6. The Executive Engineer, Minor Irrigation Department, Muzaffarpur
Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Navendu Kumar, Advocate
For the Respondents : Mr. Ranjan Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 26-02-2019

Heard the learned counsel for the petitioner and
the State.

2. The petitioner is aggrieved by the decision of
the Government/employer in not extending the contractual
period of his service.

3. The petitioner had applied for being considered
for being appointed on the post of Junior Engineer on
contractual basis for one year, in the year 2008. The
petitioner was successful and was offered the letter of
appointment; but the terms of appointment was only for
one year, which could have been renewed later subject to
his rendering services to the satisfaction of the employer.



4. It is the case of the petitioner that his contract was subsequently renewed several times but in the present instance, the Government had refused to renew the contract of service of the petitioner.

5. The petitioner, apprehending that because of some complaint having been lodged against him by one Manju Kumari, who claims herself to be the wife of the petitioner, that the contract of the petitioner has not been renewed. On further probe by the petitioner, it came to light that it was only on the basis of such complaint made by aforesaid Manju Kumari, who has alleged act of rape against the petitioner, that the contract of the petitioner has not been renewed.

6. The terms of appointment of the petitioner clearly indicates that if the services of a particular contractual employee is satisfactory and no complaint has been received against him, normally his contractual appointment shall be renewed. The orders by which the request of the petitioner for extending the period of contract has been rejected has been annexed along with the petition as also with the counter affidavit. Though the order does not spell out the specific reason but it does indicate that the entire facts were gone into by the employer and then a conscious decision was taken not to renew the contract of the petitioner.



7. It would not be in the interest of the petitioner to spell out the reason for not renewing the contract as it would be stigmatic and would always be read against him anytime when he approaches other organization for any gainful employment.

8. This Court finds no anomaly with the decision of the Government in not extending the period of contract with the petitioner as a complaint has been lodged against him by a person who claims to be his wife which the petitioner denies the same. Had it been a matrimonial dispute simplicitor, situation would have been different. The facts of the complaint alleged by Manju Kumari indicates, at least till the matter is finally decided, an instance of moral turpitude.

9. In that view of the matter, without expressing any merits over the complaints made by the petitioner, the prayer of the petitioner in the present case is dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2019
Transmission Date	

