

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24712 of 2013

=====

Sanjay Kumar Mandal Son Of Sri Shyam Prasad Mandal Resident Of Village
- Laskari, P.S. - Banka, District - Banka

... .. Petitioner/s

Versus

1. Tilka Manjhi Bhagalpur University through its, Registrar namely Tahir Hassan Vasi
2. Vice-Chancellor, Tilkamanjhi Bhagalpur University, Bhagalpur Namely Nilambuj Verma
3. P.B.S. College, Banka Through Its Principal Namely Kaushal Kumar Singh, District Banka
4. Sanjay Kumar Pandit Gopaniya Shakha, Examination Department Tilkamanjhi Bhagalpur University

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vibhakar Kumar
For the T.M.B. University	:	Mr. Subodh Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 27-06-2019

The present writ petition has been filed for directing the respondent authorities to appoint the petitioner as a clerk in the P.B.S. College under the Tilkamanjhi Bhagalpur University and pay salary from the year 2003 till date.

2. The brief facts of the case, according to the petitioner, are that the petitioner is stated to have been appointed as peon on 31.3.1992 against the vacant sanctioned post at the P.B.S. College and despite his working to the full satisfaction of all concern, he was not paid salary. Subsequently, an advertisement dated 15.10.2001 was issued by the Tilka Manjhi Bhagalpur



University for making appointment on the post of Peon wherein the petitioner had also applied, however, ultimately, he was not selected. It is further stated in the writ petition that the petitioner was working in the P.B.S. College, Banka on contract basis for a limited period and was paid salary @ Rs. 3000/- per month. Lastly, it is stated that despite the petitioner having given various representations, the concerned authorities have not considered the prayer of the petitioner for appointment on Class IV post, hence, he had moved this Court by filing a writ petition bearing CWJC No. 2315 of 2005, however, the said writ petition was dismissed by an order dated 28.4.2010 passed by a coordinate Bench of this Court with a direction to the Vice-Chancellor of the University to consider the representation of the petitioner and dispose of the same.

3. Per contra, the learned counsel appearing for the respondent-University, referring to the counter affidavit filed on behalf of the University, has submitted that the petitioner has never been appointed on any post by any authority of the University and the petitioner was engaged on contract basis only for 11 months vide office order dated 23.11.2012 and after completion of 11 months time, no extension was granted to the petitioner, hence, the petitioner has got no claim whatsoever for



appointment in the services of the respondent-College/
University.

4. I have heard the learned counsel for the parties and I find that no ground whatsoever has been either urged or made out by the petitioner herein so as to warrant grant of any relief to the petitioner herein. It is absolutely clear that the petitioner was appointed only for a period of 11 months and that too, on contract basis for which he has already been paid salary and on the basis of the said contractual appointment, the petitioner cannot claim for any regular appointment because the same has to be made, if any vacancy arises in accordance with the prescribed selection procedure, as also in accordance with law.

5. Having regard to the fact that the petitioner has miserably failed to show any ground for appointing him on the post of clerk in the P.B.S. College and that too from the year, 2003 and make payment of salary, I do not find any merit in the present case, hence, the writ petition stands dismissed.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.7.2019
Transmission Date	NA

