

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16723 of 2019**

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Mithilesh alias Mithilesh Kr. Das, Son of Late Surendra Prasad Das Resident  
of Village-Maskat, Bararipur, Champanagar, P.S.-Nath Nagar, Dist-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare  
Department, Bihar, Patna
2. The Commissioner, Bhagalpur
3. The Collector, Bhagalpur
4. The Deputy Development Commissioner ,Bhagalpur
5. The Principal Rajkiya Muk-Badhir Madhya Awasiya Vidyalaya Khanjarpur,  
Bhagalpur

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey  
For the Respondent/s : Smt. Kumari Amrita (GP3)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      28-08-2019                      Heard the learned counsel for the petitioner and  
  
the State.

The petitioner has challenged the communication  
  
dated 13.02.2018 issued by the Director, Social Welfare  
  
Department and addressed to the Joint Director, District  
  
Welfare Protection Wing, Patna and Bhagalpur, intimating  
  
that the contract of the petitioner is not being terminated  
  
because of the complaint against him, whereas in case of a  
  
co-employee, the contract has been further extended for a  
  
period of one year.



Learned counsel for the petitioner has submitted that this communication is not a simple non-extension of the contract but the wordings of refusal to extend the contract of the petitioner is stigmatic in as much as a reason has been assigned *viz* complaint against him.

From the records, it appears that the petitioner was served with a show-cause notice to which he replied and as against the aforesaid reply, supplementary questions were asked from him which also were replied. The Government in its Social Welfare Department found the conduct of the petitioner to be unworthy for giving him further extension of his contractual employment.

Learned counsel for the petitioner has submitted that merely because of his asking for remuneration which had not been paid for about 4-5 months that the present order has been passed.

Learned counsel for the petitioner has also referred to a communication made by the Director, Social Welfare Department to the Assistant Director, District Welfare Security Wing, Bhagalpur indicating that there has been a



complaint by the petitioner against the management and that he should be informed about the correct facts.

On the strength of such letter, learned counsel for the petitioner has argued that because of the complaint lodged by him before the Director, Social Welfare, such a vindictive action has been taken.

Learned counsel for the State on the other hand has defended the aforesaid communication refusing to grant any extension of contract to the petitioner on the ground that his services were not found to be required and therefore after the expiration of the contractual tenure, the same has not been extended. There is no vested right for a contractual employee to have his term extended further which would depend upon the discretion and decision of the employer.

However, this fact cannot be lost sight of that a stigmatic reason has been assigned in the order refusing to extend the contract of the petitioner *viz* serious complaint against him.

Though this Court does not wish to interfere with the order refusing to extend the contractual tenure of the



petitioner but directs that the adverse remarks against him regarding serious complaint be not treated to the prejudice of the petitioner in case he applies afresh for a contractual engagement with the Social Welfare Department.

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

**(Ashutosh Kumar, J)**

skm/-

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