

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15447 of 2018

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Surendra Paswan Son of Yogi Paswan, Ward No.-1, P.O.P.S.- Rahimabad,
District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
3. The Secretary, Primary Education, Department of Education, Government of Bihar, New Secretariat, Pa
4. The Director, Mid Day Meal, Planning, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
5. The District Magistrate, Samastipur.
6. The District Programme Officer, Mid Day Meal, Samastipur.
7. The District Education Officer, Samastipur.
9. The Block Education Officer, Patauri Samastipur.
10. The District Welfare Officer, Establishment, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Adv.
For the Respondent/s : Mr. Ashutosh Ranjan Pandey, AAG15

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 27-11-2020 Heard Mr. Sanjeev Kumar Mishra, learned counsel for

the petitioner, Mr. Ashutosh Ranjan Pandey, learned AAG 15

and Mr. Girijesh Kumar, learned counsel for respondent no.6

through Video Conferencing.

2. The petitioner seeks following reliefs:-

- (i) For issuance of an appropriate writ in the nature of certiorari for quashing the letter no.1972 dated 16.10.2017 issued under the signature of respondent District Programme Officer whereby and whereunder the petitioner has been terminated from service with



immediate effect along with charges of inefficient monitoring of the supply and distribution of food grains levelled against him.

(ii) For issuance of an appropriate writ in the nature of certiorari quashing the order contained in memo no.2544 dated 29.12.2017 issued under the signature of respondent Director whereby and whereunder the appeal preferred by the petitioner has been rejected.

(iii) For issuance of an appropriate writ quashing the order contained in memo no.524 date 23.03.2018 passed by the Respondent no.2 whereby and whereunder the appeal preferred by the petitioner has been rejected.

(iv) For issuance of an appropriate writ in the nature of Mandamus commanding the respondent authorities to reinstate the petitioner on the post of Block Resource Person.

(v) Any other order or orders as this Court may deem fit and proper in the facts and circumstances of the case be granted to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was selected on the post of Block Resource Person (Sadhansevi) vide order dated 22.10.2007 as contained in Memo No.1890 on contractual basis and his service was extended from time to time. The petitioner worked to the satisfaction of his superiors at a time in two blocks i.e. Patori and Mohanpur but the petitioner has been terminated from the post of Block Resource Person (Sadhansevi), Mid-Day Meal Scheme with a memo vide order dated 16.10.2017 as contained in Memo no.1972. The petitioner also filed his appeal.



4. It is submitted that now the extension of service of a contractual worker has been done away with and there is no need for extension of the contract but prior to this, the petitioner has already been terminated from service.

5. Mr. Girijesh Kumar, learned counsel for respondent no.6 submits that the petitioner was working on contractual basis and his service was not extended after completion of the contract. This court in the case of Kusum Kumari in CWJC No.14600 of 2010 and in the case of Renu Kumari and others bearing CWJC No.4781 of 2010 has held that Article 311 will not come into play on termination of a contractual worker. A Division Bench of this Court in L.P.A. No.677 of 2011 held that the appointment made on contract not being civil servant of State is not protected under Article 311 of the Constitution. Since the petitioner was not terminated after the period of contract is over, the service of the petitioner was not extended for another eleven months. Therefore, this petition is devoid of merit and is liable to be dismissed.

6. Having considered the submissions of both sides and on perusal of record, I find that the petitioner was initially appointed on the post of Block Resource Person and he was to supervise the supply of foodgrains to different schools falling



within the jurisdictions of a block or the godowns. The service of the petitioner was extended from time to time after extension of period of a contract but when the service of the petitioner was found unsatisfactory, the period of contract of the petitioner was not extended. A Division Bench of this Court in L.P.A. No.677 of 2011 has already held that the service of the petitioner, who is working on contract, cannot be protected under Article 311 of the Constitution of India and this Court cannot look into the grounds for non-extension of period of contract of service of the petitioner.

7. Having considered the facts, I find no merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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