

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4434 of 2019

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Surya Narayan Mallik S/o Late Lakshman Mallik Resident of Village-
Bharrahi, Ward No.4, P.S. Madhepura, Dist.-Madhepura

... .. Petitioner

Versus

1. The B. N. Mandal University and ors Madhepura through its Vice
Chancellor
2. The Vice Chancellor, B.N. Mandal University, Madhepura
3. The Registrars, B.N. Mandal University, Madhepura
4. The Principal, Parwati Science College, Kirtinagar, Madhepura

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad
	:	Mr.Binod Kumar Sinha
	:	Mr.Gautam Shah
For the Respondent/s	:	Mr.Ritesh Kumar
	:	Mr.Vandana Kishore

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 12-08-2021 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

The petitioner was appointed on the post of sweeper
on contractual basis by a letter dated 01.11.2010 issued by the
Principal, Parwati Science College, Kirtinagar, Madhepura,
which is a constituent unit of B.N. Mandal University,
Madhepura.

By an order dated 31.10.2018, he has been relieved
from the said contractual engagement. The said letter dated
31.10.2018 is under challenge in the present writ application.



Mr. Uday Chandra Prasad, learned counsel appearing on behalf of the petitioner has argued that the said communication dated 31.10.2018 does not disclose any reason for termination of petitioner's contractual engagement. He has further submitted that it was arbitrary on the part of the Principal, Parwati Science College, Kirtinagar, Madhepura to have terminated the petitioner's engagement without giving any prior notice.

A counter affidavit has been filed on behalf of the University stating therein that the petitioner was hired by the Principal, Parwati Science College, Kirtinagar, Madhepura on occasional payment basis from time to time as per need, for six months only and, he was never appointed against any sanctioned post. It has been stated that there is no vacant post of sweeper in the College and previously, there was a post of Sweeper against which someone has already been appointed on compassionate ground.

Considering the fact that the petitioner was not regularly appointed on the basis of any advertisement, the petitioner cannot claim any right to continue against the post on the basis of his contractual engagement.

In the Court's opinion, this application has no merit



and is accordingly dismissed.

It goes without saying that, if required, the Principal, Parwati Science College, Kirtinagar, Madhepura shall be at liberty to engage the petitioner on contractual basis in future, in accordance with law.

(Chakradhari Sharan Singh, J)

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