

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6217 of 2020

1. Shahla Perween Daughter of Md. Heshamuddin, Resident of Mohalla-Khetari, Jail Road, Post Office- Nawada Thana, Police Station- Town Thana, District- Bhojpur (Ara).
2. Sunil Kumar Singh, Son of Late Mahendra Singh, Resident of Village - Bhelai, Post Office- Bhelai, Police Station- Udwantnagar, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
3. The Director, Education Department, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
4. The Veer Kunwar Singh University, Ara through its Vice Chancellor.
5. The Vice Chancellor, Veer Kunwar Singh University, Ara.
6. The Registrar, Veer Kunwar Singh University, Ara.
7. The Principal, (Education Department), Veer Kunwar Singh University, Ara.
8. The Co-ordinator, Teacher Training College, Veer Kunwar Singh University, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate
For the State	:	Mr. Nishant Kumar Jha, AC to SC-28
For the University	:	Mr. P.N. Shahi, Sr. Advocate
		Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 21-01-2021 Heard Mr. Sanjeet Kumar, learned counsel for the petitioners, Mr. P.N. Shahi, learned Senior counsel appearing for the University and Mr. Nishant Kumar Jha, learned counsel appearing the Respondents-State.

This writ application has been filed challenging



the order of termination of the petitioners from service on the ground that they were terminated during Covid-19 pandemic period against the order and decision of the Syndicate.

Brief fact giving rise to the present writ application is that the petitioner No. 1 was appointed as Library Assistant on 12th May, 2007 on contractual basis whereas petitioner No. 2 was appointed as Assistant by the University in the same manner, on 6th November, 2006.

Learned counsel for the petitioners submits that the petitioners have served for a very long period of time in the University and the services of the petitioners have been terminated during pandemic period in complete violation of direction / decision of the Syndicate that during pandemic period, no employee would be terminated and/or his salary wouldn't be stopped. Learned counsel next submits that termination of the petitioners from service is in complete violation of principle of natural justice inasmuch as no show cause has been served upon the petitioners by the Respondents-University.

On the other hand, learned senior counsel appearing for the University submits that it was tenure appointment on contractual basis and tenure of the petitioners has come to an



end on 31st March, 2020 and the Syndicate in its meeting held on 4th January, 2020, decided not to extend the services of the petitioners. The Principal of the College merely communicated the decision of the Syndicate to the petitioners during pandemic period. Learned senior counsel next submits that at the time of appointment of the petitioners on contractual basis, the procedure prescribed under the law for appointment was not followed and no vested right has accrued in favour of the petitioners. However, the University has published an advertisement for appointment as full time employees as per the norms. As such, the University is not in a position to retain the petitioners on their respective posts.

Having heard learned counsel for the parties and taking into consideration the submissions made by learned counsel for the parties and the fact that the University has already published advertisement for making appointment as full time employees, I am not inclined to interfere with the impugned decision of the respondents.

Accordingly, this writ application is dismissed.

(Anil Kumar Sinha, J)

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