

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15296 of 2018

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1. Devanand Kumar, S/o Sri Parmanand Paswan, R/o Village- Bari Pokhar Purani Bazar, Ward No. 9, District- Lakhisarai.
 2. Raj Kishore Sharma, S/o Sri Rajendra Sharma, R/o Village- Losghani, District- Lakhisarai.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Department, Government of Bihar, New Secretariat, Punaichak, Bailey Road, Patna.
3. The Director, Primary/Secondary, Human Resources Department, Government of Bihar, New Secretariat, Punaichak, Bailey Road, Patna.
4. The Director State Project, secondary Education Council, Bihar, Saidpur Road, Saidpur, Patna-4.
5. The District Programme Officer (Establishment), Lakhisarai.
6. The District Programme Officer, Planning and Accounts, Lakhisarai.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Amrit Abhijat With Mr. Manoj Kumar Gupta, Advocates.
For the State	:	Mr. Madanjeet Kumar, GP-20

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 10-10-2022

Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners were engaged as Data Entry Operator for discharging some specific works under the Bihar Education Project for payment of salary etc., under the District Programme Officer, Planning and Accounts, Education Department Lakhisarai. They are aggrieved by office order bearing Memo No. 38, dated 12.02.2018, as contained in Annexure-8 to the writ



petition, whereby a decision has been taken to relieve the petitioners of their Data Entry Work in the office. The background is non-availability of funds for paying the honorarium to the petitioners.

3. The learned counsel for the petitioners submits that their services could have been brought to an end, only if there was a finding of their services being unsatisfactory, which is evident from the office order dated 31.10.2015, as contained in Annexure-1 to the writ petition, whereby petitioners' services for Data Entry Work were engaged. From bare perusal of the order dated 31.10.2015, as contained in Annexure-1 to the writ petition, it is evident that the petitioners' submission, insofar as such stipulation in the order, is correct. Having observed so, this Court would further observe that the office order bearing Memo No. 38 dated 12.02.2018 as contained in Annexure-8 to the writ petition, whereby a decision has been taken not to continue with the petitioners' engagement as Data Entry Operator is not based on any assessment regarding the petitioners' quality of work, but for other reasons namely, non-availability of funds for paying the honorarium etc.

4. In view of the reasons assigned in the office order bearing Memo No. 38, dated 12.02.2018, as contained in



Annexure-8 to the writ petition, the Court is of the view that there was no requirement of any assessment of the quality of work being performed by the petitioners. The impugned order is not casting any stigma or expressing any opinion on the quality of work which was discharged by the petitioners. The reasons assigned therein, taken note of the above, in the opinion of the Court, do not warrant any interference.

5. The learned counsel for the petitioners submits that on account of the impugned order which has the effect of terminating the petitioners, the petitioners are likely to suffer prejudice on account of the order if such work is required in future.

6. This Court would observe that such apprehension is misplaced. The office order bearing Memo No. 38, dated 12.02.2018, as contained in Annexure-8 to the writ petition, does not cast any stigma and cannot be relied upon to disqualify the petitioners in any selection process.

7. The writ application is disposed of.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20-10-2022
Transmission Date	N/A

