

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15533 of 2015

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Shiv Kumar Son of Dasai Rajak, Resident of Village Kamaria, P.O.-
Ibrahimpur, P.S. Kurtha, District Arwal, Roll No. 2430028

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Science and Technology Department, Government of Bihar, Patna.
3. The Director, Science and Technology Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harshvardhan, Adv.,
Mr. Shivsundaram, Adv.
For the State : Mr. Subodh Prasad Singh, G.A-3

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 12-04-2022 Heard the parties.

The petitioner, by way of this writ petition, prays to quash the order dated 10.02.2015, passed by respondent no. 2 and further direct the respondents authority to make appointment of the petitioner on the post of Assistant Professor in Engineering College under the advertisement dated 26.05.2012.

The petitioner was a candidate, who applied under the advertisement dated 26.05.2012, for the post of Assistant Professor as



an S.C category candidate. There was only one post for S.C. category candidate. The advertisement was for contractual appointment of teaching staff in Engineering Colleges.

As per the impugned order, which has been passed in terms of the direction issued by this Court in the earlier litigation preferred by the petitioner, it has been stated that there was already one person working as Assistant Professor in the subject on contractual basis as an S.C. category candidate. There was no post of S.C. category, which could be filled. Moreover, the High Court vide its Judgment dated 08.10.2012, passed in C.W.J.C. No. 12728 of 2012, held that a person who is working on contract basis as teachers in the Engineering Colleges, shall not be request by another set of contract appointment.

Keeping in view, the directions issued by the High Court, the respondents vide impugned order rejected the claim of the petitioner as he could not have placed the existing S.C. candidate, who were working on the post for which the



petitioner had applied.

Learned counsel for the petitioner submits that now in the year 2020, the concerned S.C. category person has left the job and dis-continued, therefore, the said post should be offered to the petitioner.

In the opinion of this Court, such a preposition would defeat the very purpose of selection process. Petitioner whose name was placed in select list, which was issued in 2012, appointment cannot be directed to be made in the year 2020. Moreover, the said post continued to be held (manned) by the said S.C. category person till he left the job in the year 2020. In other words, the post has fallen vacant after 2020 and was not vacant in the year 2012.

In view thereof, the post has to be re-advertised, if at all to be required to be filled on contractual basis.

That apart, the petitioner otherwise does not have any right for appointment on contractual basis and he could not have admittedly replaced



by another contractual employee.

In view thereof, no case for interference is made out. The order passed by the authorities does not warrant interference.

Accordingly, the writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

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