

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1574 of 2019

In
Civil Writ Jurisdiction Case No.10814 of 2016

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Nitu Kumari D/o Late Ramagya Prasad Singh Resident of Village - Benar,
P.O. Kaila, P.S. Sare, Block - Asthama, District - Nalanda, at present working
as Full Time Teacher in Kasturba Gandhi Balika Vidyalaya, Bind, District -
Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, State Project Bihar State Project Council, Patna.
3. The District Magistrate-cum-Chairman, Bihar Education Project Nalanda at
Biharsharif.
4. The District Programme Officer, Sarva Shiksha Abhiyan, District- Nalanda
at Biharsharif.
5. The Block Education Officer, Block- Tharthari, District- Nalanda at Bihar-
sharif.
6. The Block Education Officer, Block- Bind, District- Nalanda.
7. Soni Kumari D/o Late Ramnath Sah Resident of Bajrangpuri Colony, Sahid
Bhagat Singh Path Lane, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna
at present working as full time teacher in Kasturba Gandhi Balika Vidyalaya
Tharthari, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nawal Kishor Singh, Advocate
For the Respondent/s : Mr.Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-08-2022

Heard learned counsel for the respective parties.

In the instant appeal, appellant has assailed the order of
the learned Single Judge dated 25.09.2019 passed in CWJC no.
10814 of 2016.



The appellant was appointed as a Teacher on contractual basis on 10.03.2010 for a period of one year and it was extended from time to time. From 31.12.2015, his contractual appointment was not renewed. In the meanwhile, educational qualification for the purpose of teacher was enhanced from intermediate to that of graduate. The State is stated to have imposed condition that such of those contract appointees is required to acquire graduation qualification before 31.12.2015.

The appellant has not questioned the validity of prescription of higher qualification of graduation to such of those contract teachers. That apart his tenure on contract basis was over on 31.12.2015, however, he has been continued up to 08.03. 2016, the date on which her services were terminated. In fact, termination order was not warranted for the reasons that her tenure on contractual basis was not renewed as and when it has expired.

Learned Single Judge with reference to CWJC No. 7980 of 2016 dismissed the petitioner's application. It is to be noted that the appellant has not established her statutory right to continue on contract basis against one of the teacher post on contract. Time and again Courts have held that contractual appointees is not having any statutory right to seek continuation unless and until policy provides for it. In the present case, the appellant has not established



statutory right to continue. That apart, she is not stated to have fulfilled the eligibility criteria. Moreover, she has not questioned the discontinuation of her contractual appointment.

Apex Court in the case of **Secy., State of Karnataka and Others vs. Uma Devi** reported in **(2006) 4 SCC 1** and **State of Karnataka and Ors. vs. M.L. Kesari and Ors.** reported in **(2010) 9 SCC 247**. Elaborately discussed the right of a contract employee. In view of the principle laid down in the aforementioned judgments, petitioner has not made out case. Accordingly, the present LPA stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

