

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8717 of 2015

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Ajay Kumar Choudhary, Son of Late Suresh Choudhary, Resident of Saroj Sadan, R.M.S. Colony, Road No.1, Kankarbagh, P.S.- Kankarbagh, Town & District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Human Resources Development, Bihar, Patna.
2. The Director, State Project, Bihar Education Project Council, Patna.
3. The State Programme Officer, Bihar Education Project Council, Patna
4. The District Education Officer, Supaul.
5. The District Programme Officer, Elementary Education and Mass Education Movement, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suneil Kumar Thakur, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, GA-3
		Mr. Sitaram Yadav, GP-16
		Mr. Yatindar Narayan, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 17-02-2023

Heard the parties.

2. The petitioner has assailed the order by which the petitioner's services has been dispensed with.

3. Learned counsel for the petitioner submits that the petitioner was appointed on contract basis as a Resource Teacher and without compliance of principle of natural justice, the contract has been rescinded.

4. Learned counsel for the petitioner further states that it is the State, as a party to the contract, has to abide by the



principle of natural justice before terminating their employees, mainly the employee, who are appointed on contractual post.

5. In view of this Court, no right can be created in favour of a contractual employee. His service can be dispensed with on completion of contract or on ceaser of the contract. The protection under Article 311 of the Constitution of India would not be available to such contractual employee and only protection is available under Article 310(2) of the Constitution of India. No reinstatement can be granted to such persons especially as it is not the case of the petitioner that any other person has been appointed in this case.

6. As such the present writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 45

AFR/NAFR	
CAV DATE	
Uploading Date	21.02.2023
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