

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1621 of 2018

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1. Ranjeet Kumar son of Rajendra Prasad, Resident of Village- New Area Goh, P.O. P.S- Goh, District- Aurangabad.
 2. Baliram Kumar Sinha, aged about 38 years, son of Indradeo Prasad, Resident of Village- Dumra, P.S.- Haspura, District- Aurangabad.
 3. Rita Kumari, aged about 42 years, Daughter of Subash Chandra, W/o Suresh Prasad, Resident of Village- Lodipur, P.S.- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Joint Secretary, Department of Social Welfare, Government of Bihar, Patna.
4. The Director, Integrated Child Protection Unit, Patna.
5. The District Magistrate, Aurangabad.
6. The Assistant Director, District Child Protection Unit, Aurangabad.
7. The Previous Assistant Director, District Child Protection Unit, Aurangabad, Mr. Santosh Kumar Chau

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar Mishra
For the Respondent/s : Mr.Gyan Prakash Ojha-Ga7

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 03-01-2023

Heard learned counsel appearing for the petitioners
as well as learned counsel for the State.

The present writ application has been filed on
behalf of petitioners for quashing the impugned order passed by
Assistant Director, DCPU, Aurangabad with further prayer to
restore the selection of the petitioners on the post of Social
Workers and to stop the written examination which would be



held on 28.01.2018.

Brief facts of this case is that petitioners were appointed earlier on contractual basis as Social Workers in District Child Protection Unit, Aurangabad for a period of one year. Pursuant to the same, petitioners entered into an agreement with the concerned authority on 12.11.2012 and submitted their joining on the same day. The period of contract was extended from time to time for the period of four and half years.

It is submitted on behalf of petitioners that at the time of extension of period of contract the authorities concerned submitted bad performance appraisal report because the petitioners did not fulfill the illegal demand of gratification by the authority.

It is submitted that all the District Magistrates of the State of Bihar were directed to submit Work Performance Appraisal Report with regard to all the contractual employees with name who were presently working in Child Protection Unit, so that the work of their employment could be completed in time. Taking into consideration the performance of the petitioners the authorities submitted bad performance appraisal report, as a result of which the services of the petitioners were cancelled.



On the other hand counsel for State by filing counter affidavit submitted that throughout the period petitioners were found deficient in their discharge of their duties. These petitioners were found absent habitually after making their attendance and in order to give chance to improve their work performance the contract service period were extended repeatedly with strict warning to improve their work performance, but in spite of giving ample opportunities to the petitioners, no improvement were found in their work performance and repeated complain of disobedience and negligence in performance of their official duty was found, as a result of which after considering all the facts and circumstances, Assistant Director, District Child Protection Unit, Aurangabad submitted work performance appraisal report to the District Magistrate, Aurangabad, who being agreed with the report found that the petitioners are not liable to be adjusted on the post of Social Workers and accordingly, Performance Appraisal Report of the petitioners were sent to the Director, Social Welfare-cum-Vice Chairman, State Child Protection Committee, Bihar, Patna vide letter no. 122/DCPU dated 20.04.2017 of the District Magistrate, Aurangabad.

Considering the rival submissions of the parties and



material available on record and the fact that thrice petitioners were given warning, but petitioners did not improve their work performance, I find no illegality and infirmity in the impugned order passed by Assistant Director, DCPU, Aurangabad, as such, this writ petition stands dismissed being devoid of merit.

(Prabhat Kumar Singh, J)

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CAV DATE	
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