

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.504 of 2022

In

Civil Writ Jurisdiction Case No.15581 of 2021

Neeta Sharma, Wife of Late Krishna Kumar Singh, Resident of Creation Boutique, Naunihal School, Anandpuri, Bibiganj, P.S. - Sadar, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of Science and technology, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of General Administration, Bihar, Patna.
3. The Director, Science and Technology Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, Science and Technology Department, Govt. of Bihar, Patna.
5. The Joint Secretary, Science and Technology Department, Govt. of Bihar, Patna.
6. The Member of Selection Committee, Science and Technology Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Ajay, GA 5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-08-2023

Learned counsel for the appellant requested to hear the matter and the same was kept aside for hearing. When the list was called out, there was no appearance.

2. We have gone through the records and also heard the learned counsel appearing for the respondents.

3. The dispute is with respect to the termination



of the appellant from a teaching assignment in the subject 'Costume Design and Garment Technology'; which assignment was admittedly contractual in nature. The appellant is said to have been appointed in 2008 and later in the year 2018, despite an application for extension of a contractual appointment, the same was not done. After a lapse of three years, by Memo Dated 30.07.2021, produced at Annexure-13 in the writ petition, the respondent also terminated the said appellant from her service. The termination was on the ground that the appellant does not possess appropriate qualification.

4. The appellant admittedly has a Post Graduate qualification in Home Science and it is stated that she also qualified in ancillary subjects of Costume Design and Garment Technology. However, nothing is produced by way of a certificate to substantiate such contention.

5. Learned Single Judge found that the appellant did not have the essential qualification as prescribed by the All India Council for Technical Education (AICTE). For a technical discipline, a candidate should possess Bachelors and Master Degree in the relevant discipline with first class in either of the two at the time of selection.

6. The appellant has not established before this



Court that she has the Bachelors and Master Degree, as stipulated by the AICTE. It is also to be emphasized that the prayer is for extension of a contractual appointment, which cannot be directed by invoking the extraordinary jurisdiction under Article 226 of the Constitution of India. The appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.08.2023
Transmission Date	

