

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6345 of 2023

=====

Tripti Kajol, Female, aged about 28 years, Daughter of Satyanarayan Prasad Singh, Resident of Mohalla - Grihinda, Police Station and District - Sheikhpura, Posted at the Post of Executive Assistant District Welfare Officer, Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of General Administrative Reforms, Govt. of Bihar, Patna.
2. The District Magistrate, Sheikhpura, Bihar.
3. The District Welfare Officer, Sheikhpura, Bihar.
4. Deputy Collector, Establishment, Sheikhpura, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate Mr. Kumud Kishore, Advocate
For the Respondent/s	:	Mr.Sheo Shankar Prasad (Sc 8)

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-12-2024 Heard Mr. Birendra Kumar along with Mr. Kumud Kishore, learned counsels appearing on behalf of the petitioner and Mr. Sheo Shankar Prasad, learned SC 8 for the State

2. Petitioner has *inter alia* prayed for following reliefs in the paragraphs No.1 of the writ petition:-

“(I) For issuance of writ in the nature of Certiorari for quashing the Letter No.100/k dated 30.01.2021 (Annexure-5) issued by District Welfare Officer, Sheikhpura, whereby and whereunder petitioner has terminated from the post of Executive Assistant in the Office of District Welfare Officer, Sheikhpura.

(ii) For further commanding the respondents that after quashing the aforesaid order



vide Letter No.100/K dated 30.01.2021 accept the joining of petitioner and allow to the Tripti Kajol (Petitioner) to discharging her duty at the post of Executive Assistant in the District Welfare Officer, Sheikhpura in place of Sujeet Kumar Mahto who appointed at the post of Executive Assistant of Tripti Kajol and payment the salary and arrear of salary and other allowance to the petitioner.

(iii) And for any other relief/reliefs for which the petitioner is entitled too.”

3. Considering the relief as sought for in the present writ petition, no interference is called for by this Court on the ground that petitioner cannot claim protection under Bihar Government Servants (Classification, Control & Appeal) Rules, 2005. The guidelines cannot be considered to have been framed under Article 309 of the Constitution of India. The service of the petitioner being contractual in nature and as per the terms and conditions of the appointment, the same was for one year subject to its renewal. In the present case, the show cause was issued to the petitioner and subsequent to that, Government came out with terms and conditions relating to contractual employees and the age of such contractual employee was extended to 60 years on the basis of certain terms and conditions. The said protection don't grant any right to the petitioner, who for her own violation, has remained absent from



06.08.2020 without any information. The authorities who were incapacitate with human resource were forced to appoint other person.

- 4. The writ petition is, accordingly, dismissed.
- 5. There shall be no order as to costs.

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

