

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10818 of 2022

1. Sushil Kumar S/o Ramdeep Yadav, R/o-Village-Kurtha, Post-Kurtha, PS-Kurtha, District-Arwal, Bihar-804421.
2. Sunil Kumar Suman, S/o Yugeshwar Sah, R/o-Village-Mahisarho, Post-Sarouni, P.S. Mahishi, District-Saharsa, Bihar-852216.
3. Vivekanand Jha, S/o Parmanand Jha, Village-Tardiha, P.S. Madhepur, District-Madhubani, Bihar-847408.
4. Rajesh Kumar S/o Ramchandra Prasad Mehta, Resident of At Parsa, P.O.-Bathan, Parsa, P.S.-Shankarpur, District-Madhepura, Bihar-852132.
5. Raman Choudhary, S/o Choudhary Shashank Shekhar, Resident of Mohalla-Kalyanpur, Near Devasthan, P.O.-Bihar Sharif, P.S.-Bihar Sharif, District-Nalanda, Bihar-803101.
6. Dharendra Kumar, S/o Mahendra Sah, Village-Malighat, PO-HPO, PS-Mithanpura, District-Muzaffarpur, Bihar-842001.
7. Shams Tabrej, S/o Md. Musa Ali, Resident of B-90/193, Urjanagar, P.S. and P.O.-Mahagama, District-Godda, Jharkhand-814154.
8. Zoheb Hasan, C/o Mehboob Alam, Village-Rauta, P.O. Rauta, via Baisi, District Purnia, 854315.
9. Preetam Amrit, S/o Dr. Vijay Kumar Singh, Resident of Northern Dahiyawan Tola, P.S. Chapra, District-Saran-841301.
10. Dhruva Jyoti Kalita, S/o Jyotish Chandra Kalita, Resident of House No. 72, Gaurishankar Path, Piyoliphukan Nagar, Chandmari, District-Guwahati, Assam-781021.
11. Digember Kumar S/o Kripa Narayan Priyadarshi, Resident of At and P.O.-Sarhan, District-Patna, Bihar-803214.
12. Piyush Kumar Mishra, S/o J.P. Mishra, Village-Jaitwara, P.S. Prithvipur, District-Niwari, Madhya Pradesh-472336.
13. Padam Jee Omar, S/o Anil Omar, Resident of Ward No. 13, Lohiya Nagar, P.S. Rasulabad, District-Kanpur-209306.
14. Raushan Ranjan, S/o Naval Kishor Singh, Resident of At-Rasulpur, P.O.-Abgila, P.S.-Parasbiga, District-Jehanabad-804423.
15. Aditya Kumar, S/o Late Babu Roy, Village and P.O.-Hariarpur, P.S.-Pupri, Sitamarhi, Bihar-843320.
16. Vivek Kumar Tiwari, S/o Narendra Tiwari, Shantikunj, Sikatiya, P.O. Khawaspur, P.S.-Jammo Bazar, Block-Ladki, Nabiganj, District-Siwan (Bihar)-841416.
17. Shiwanshu Shekhar, S/o Rajeshwar Chaubey, Resident of Belbanwa, P.S. Motihari Town, District-Motihari-845401.
18. Shivangi Mishra, D/o Sanjay Mishra, Resident of G-1/8, P.S. Kalindipuram, District-Prayagraj 211011.
19. Siddhartha Kashyap, S/o Dilip Kumar Mazumdar, Resident of H. No. 117, Guwahati Nursery, P.S. Jalukbari, District-Guwahati, Assam-781009.



20. Vishwesh Singh, S/o Late Rishi Narayan, Kabir Nagar Colony, Vrindavan, Susuwahi, P.S. Lanka, Varanasi-221011.
21. Prabhakar Kumar, S/o Sri Dashrath Prasad, At Sikandra, Darji Muhalla Nawab Tola, P.O. and P.S.-Sikandra, District-Jamui, Bihar-811315.
22. Priyanshu Raj, S/o Pramod Kumar, R/o-Mouna Kathari Bagh Road, P.O. and P.S.-Chapra, District-Saran, Bihar-841301.
23. Jitendra Kumar, S/o Rambalak Ray, R/o Village-Ishaquepurtek, P.O. and P.S.-Mahnar, District-Vaishali, Bihar, 844506.
24. Jitendra Kumar, S/o Rambalak Ray, R/o Village-Ishaquepurtek, P.O. and P.S.-Mahnar, District-Vaishali, Bihar-844506.
25. Loknath Kumar S/o Shivendra Kumar Arun, R/o-P.O. Kalyanpur, P.S.-Bihutipur, District-Samastipur-848160.
26. Ravi Kumar S/o Naresh Prasad, R/o Bernwal Kirana Dukan, Near Shiv Mandir, Bithalpur, P.S. Amari-District-Jamui, Bihar-811307.
27. Ravi Ranjan, S/o Late Ram Uchit Mahto, R/o Village-Taraspur, P.O. and P.S.-Dalsinghsarai, District-Samstipur, Bihar-848114.
28. Ahsan Rabbani, S/o Gulab Talib Rabbani, R/o Village-Bahikol, P.O.-Dhanpatganj, P.S.-Kochadhaman, District-Kishanganj, Bihar-855115.
29. Sunil Kumar Sahu, S/o Rambilash Sahu, R/o Ward No. 12, Tola Bhagwanpur, P.O.-Narahia, P.S.-Laukahi, District-Madhubani, Bihar-847108.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Additional Chief Secretary-cum-Principal Secretary, Department of Science and Technology, Government of Bihar, Patna.
4. The Director, Department of Science and Technology, Government of Bihar, Patna.
5. The Deputy Secretary, Department of Science and Technology, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s : Mr. Ajay (Ga5)
Ms. Archana, Advocate

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 21-09-2024

Heard learned counsel for the parties.



2. The petitioners have challenged the order contained in Memo No. 2065 dated 12.07.2022 issued by the Deputy Secretary, Department of Science and Technology, Government of Bihar whereby the employment of Assistant Professors appointed through National Project Implementation Unit (NPIU) (A unit of MHRD) under Technical Education Quality Improvement Programme (TEQIP Phase-III) has been directed to be terminated in the subject of Electrical and Electronics Engineering with a further stipulation that the contractual appointment in all other subject shall be deemed to be terminated on regular appointment of Assistant Professors in different discipline.

3. The petitioners are 29 in numbers who were appointed as Assistant Professors, Electrical, Electronics, Civil Engineering and Computer Science on 04.01.2018 and 29.09.2018 in different engineering colleges under the Department of Science and Technology, Government of Bihar on a contract basis for a period of one year or till the continuation of the central scheme called Technical Education Quality Improvement Programme (TEQIP), whichever is earlier. The TEQIP project under which the petitioners were appointed, continued till 31.03.2021 whereafter the Central Government discontinued the said scheme.



4. Upon discontinuation of the TEQIP scheme the State of Bihar by a resolution No. 1064 dated 31.03.2021 issued by the Deputy Secretary, Department of Science and Technology, Government of Bihar extended the said scheme under the State scheme from 01.04.2021 to 31.03.2022 and the petitioners were allowed to continue in service till the scheme was continued or till regular appointment to the sanctioned posts of Assistant Professors were made.

5. Thereafter the State of Bihar by a resolution issued by the Joint Secretary, Department of Science and Technology, Government of Bihar by Memo No. 777 dated 23.03.2022 again extended the project under the State plan from 01.04.2022 to 31.03.2023 and the petitioners were allowed to continue as Assistant Professors on contract basis till the scheme continued or till regular appointment to the vacant posts of Assistant professors are made, whichever is earlier.

6. Now, the State Government has issued the impugned order dated 12.07.2022 vide Memo No. 2065 by the respondent No. 5/ Deputy Secretary, Department of Science and Technology, Government of Bihar stating that since the regular appointments in the vacant posts of Assistant Professors of the Engineering colleges have been made, the petitioners have been terminated



from the service, in accordance with the contracts of appointment/employment made/signed between the petitioners and the respondent authorities.

7. The petitioners have now filed this writ petition for continuation of their services as Assistant Professors on contract basis by making threefold contentions (i) that there are still many vacant posts of Assistant Professors in the engineering colleges (ii) the State authorities have also allowed some of the contractual appointees to continue in service as Assistant Professors appointed by the Department and (iii) the petitioners by referring to Annexure-P12 of the writ petition, which is a resolution dated 17.09.2018, issued by the Department of General Administration, Government of Bihar finally contends that by the aforesaid resolution, it has been provided that an endeavor may be made to adjust/ continue the employment of such contract employees who could not succeed in a selection process, undertaken by the authorities for regular employment.

8. I have considered the contentions of the petitioners.

9. Since the very terms of appointment of the petitioners and the continuation thereof was on a contract of employment entered into between the petitioners and the respondent authorities to the effect that the petitioners' employment as Assistant



Professors shall be on a contract basis for a period of one year or till the scheme under which they were appointed continues or a regular appointment on a vacant posts of Assistant Professor are made and that the impugned order dated 12.07.2022 terminating the services of the petitioners on contract basis have been issued on the ground that the regular Assistant Professors have now been appointed, which is in consonance with the terms of contract of employment entered into the petitioners and the respondents, I find no legal infirmity in the impugned order dated 12.07.2022, issued by the Deputy Secretary, Department of Science and Technology, Government of Bihar whereby the petitioners' employment as Assistant Professors on contractual basis have been terminated.

10. Insofar as the second contention of the petitioners that other contractual Assistant Professors of the engineering colleges appointed by the Department have been allowed to continue by the respondent authorities, the petitioners have not made those contractual employees a Party respondents in the instant writ petition. Under the circumstances, no adjudication on the legality of the continuation of the other contractual Assistant Professors allowed to be continued by the respondent authorities can be made in this writ petition.



11. With regard to the third and the final contention made by the learned counsel for the petitioners by referring to the resolution dated 17.09.2018 to the effect that an endeavor may be made by the Respondent Authorities to adjust/allow such contractual Assistant Professors to continue in employment who failed to succeed in the recruitment process undertaken by the respondent authorities for filling up of vacant posts of the Assistant Professor in engineering colleges, this Court is of the view that such a resolution will not confer any right to the petitioners for continuation of their contractual employment, in as much as, such a resolution is apparently contrary to the contract of employment entered into between the petitioners and the respondent authorities besides it being in violation of the fundamental right of the others who may be eligible to compete for the post(s) on which the petitioners may be proposed for accommodation.

12. In that view of the matter, no such direction can be given by this Court to the Respondent Authorities to allow the petitioners' contractual employment to continue in the Department or elsewhere.

13. For the reasons stated hereinabove, I find no merit in this writ petition and accordingly the reliefs sought for by the



petitioners cannot be granted by this Court in exercise of power under Article 226 of the Constitution of India.

14. This writ petition is disposed of.

(Nani Tagia, J)

Nishant/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2024.
Transmission Date	NA

