

Raghvendra Kumar Singh Son of Kamta Prasad Singh, Resident of Village-
Fakharpur, Police Station and District- Arwal Bihar.

Versus

1. The State Of Bihar
2. The Lok Sikait Kendra, New Delhi.
3. The District Magistrate, Arwal.
4. The District Education Officer, Arwal.
5. The District Programme Officer, Sarva Shiksha Abhyiyan Establishment, Arwal.
6. The District Coordinator, Sarva Shiksha Abhyiyan, Arwal.
7. The Head Master Cum Sanchalak, K.G.B.V. Fakharpur, Arwal.
8. The Warden, Kasturba Gandhi residential Balika Vidyalaya, Fakharpur, Arwal.
9. The Head Cook, K.G.B.V. Fakharpur, Arwal.

... .. Respondent/s

For the Petitioner/s : Mr. Durgesh Kumar
For the Respondent/s : Mr. S.C. Mishra, SC-16

4 20-06-2024 1. The present writ application has been filed for quashing the letter no. KGBV/523, dated 06.09.16, passed by the District Education Officer, Arwal, whereby the services of the petitioner on the post of Night Guard has been terminated.

2. The petitioner has further prayed for direction to the respondent concerned to reinstate him on the post of Night Guard in Kasturba Gandhi Balika Vidyalaya (hereinafter referred to as “KGBV”), Farkharpur, Arwal.

3. The brief facts involved in the present case is that



pursuant to the advertisement published in the Hindi Daily Newspaper “Hindustan” by the District Education Officer, Arwal, applications were invited for various posts in KGBV, Arwal, on the basis of walk-in-interview-cum-written test. The appointment was purely contractual in nature.

4. The petitioner applied for the post of Night Guard and was appointed on contract basis on 21.02.2013. The contract was for a period of one year from the date of appointment, which was extended from time to time.

5. During his service, several complaints were made by the female staffs, students and warden of the school against the petitioner upon which a show cause was issued to the petitioner by the District Program Officer, Arwal, vide letter, dated 30.07.2016.

6. The petitioner submitted his reply to the show cause on 04.08.2016. The contract of the petitioner was terminated on 06.09.2016 by the District Education Officer, Arwal, stating therein, that in view of the proceedings conducted by the Managing Committee of the KGBV, Arwal, and finding show cause reply unsatisfactory, the contract of the petitioner as Night Guard has been terminated.

7. Learned counsel for the petitioner submits that all



the charges against the petitioner is baseless and he has been terminated with ulterior motive in view of the fact that the petitioner had raised issues of financial irregularities committed by the officials of the said school in the past.

8. On the other hand, learned counsel for the respondent nos. 4, 5 and 6 submits that the impugned order, dated 06.09.2016, has been passed by the District Education Officer, Arwal, after giving proper opportunity to the petitioner to file his reply to the show cause on the charges levelled against him and finding the reply submitted by the petitioner to be unsatisfactory.

9. In the contract letter, issued to the petitioner at the time of appointment, it is clearly mentioned that if the work of the petitioner was not found satisfactory his contract may be terminated.

10. I have heard learned counsel for the parties and have gone through the materials available on record.

11. The appointment of the petitioner was contractual in nature for a fixed period, which was extended from time to time. As per the terms of the contract, the contract was to be terminated if the work of the petitioner was not found satisfactory by the authorities. The post of Peon/Night Guard in



KGBV, Arwal, is not a statutory and/or civil post and the petitioner is not having any protection under the Article 311 or any such other provision of the Constitution of India.

12. The respondent-authorities have followed the principle of natural justice and after issuance of show cause and considering the reply of the petitioner, the respondents have terminated the services of the petitioner as per the terms of the contract. Accordingly, I do not find any merit in the present application.

13. This writ application stands dismissed.

(Anil Kumar Sinha, J)

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