

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17285 of 2014

=====

Ajay Kumar S/o Mantun Tanti Resident of Village Choti Balia, Chak Makhan,
Tola, P.O. lakhminiya, P.S. Balia, District Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Human Resource Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. Director-cum-Secretary, Bihar State Midday Meal Scheme, Patna.
4. The District Magistrate, Begusarai.
5. The District Education Officer, Begusarai.
6. The Sub-Divisional Education Officer-cum-Officer in Charge, Midday Meal Scheme, Begusarai.
7. The District Superintendent of Education, Begusarai.
8. The Block Education Extension Officer, Mansoorchak Block, Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	None
For the MDM	:	Mr. Girijish Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 25-01-2024

1. No one appears for the petitioner. Learned counsel
for the Mid Day Meal Scheme is present.

2. The petitioner has filed the instant application for
the following relief(s):-

*1. (i) To set aside the order vide letter no. 827 dated
01.07.2013 issued by Officer- in charge midday meal
scheme, Begusarai as well as the order dated
11.12.2013 passed in Appeal before Bihar State
Midday Meal Scheme, Bihar, Patna and by which the
petitioner has been terminated from his service as*



Prakhand Sadhan Sebi of Prakhand Mansourchak in the District of Begusarai to Renistate the petitioner on the previous post and allow him to work as Prakhand Sadhan Sebi in the Prakhand Mansour Chak of the District- Begusarai.”

3. The case of the petitioner as borne out from the contents of the writ application is that the petitioner having applied for and participated in the interview for appointment on the post of *Prakhand Sadhan Sevi*, Mid Day Meal Scheme was selected on 23.2.2010 and soon thereafter gave his joining before the Sub-Divisional Education Officer- Cum- In-charge of Mid Day Meal Scheme, Begusarai. The respondent authorities issued different show cause notices dated 20.10.2012, 19.9.2012, 4.1.2013 4.3.2013 and 3.4.2013 to which the petitioner replied. Not being satisfied, the authority terminated the petitioner from the said post. It is a case of the petitioner that the post of *Prakhand Sadhan Sevi* is still vacant and as such the order dated 1.7.2013 as also the order dated 11.12.2013 passed in appeal terminating the service of the petitioner, both be set aside and the petitioner be allowed to work in the said capacity. Counter affidavits have been filed by the respondents including the Director- cum- Secretary, Bihar State Mid Day Meal Scheme, Patna (respondent no.3).



4. Learned counsel for the respondents in reference to the counter affidavit filed on behalf of the respondent no.3 as also the orders impugned dated 1.7.2013 and 3.3.2014 submits that the appointment in question is a contractual appointment under the Mid Day Meal Scheme. From the order impugned it would transpire that in view of the decision taken by the District Level Committee in its meeting held on 20.6.2013, the reply to show cause filed by the petitioner was found to be unsatisfactory and the District Level Selection Committee decided not to extend the contract of the petitioner. Learned counsel further refers to the order dated 28.2.2018 (Annexure R3/B) passed in CWJC no.14475 of 2008 to submit that the writ petition itself relating to contractual engagement under the Mid Day Meal Scheme, the same is not maintainable.

5. Having heard learned counsel for the parties and having perused the material on record, this Court is of the opinion that the matter in issue relates to contractual engagement of the petitioner under the Mid Day Meal Scheme, the contract having ended by the authority concerned by not extending the contract of the petitioner for a further period, the writ application filed by the petitioner under Article 226 of the Constitution is not maintainable. The Court finds no merit in



the instant writ application and the same is dismissed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	29.01.2024.
Transmission Date	N/A

