

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16696 of 2024

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Arvind Kumar @ Arvind Sah @ Arvind Kumar Sah Son of Basudev Sah,
Resident of Village-Simra Bazar, P.S.-Kalyanpur, Dist-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Secondary Education, Govt. of Bihar, Patna.
2. The Director Secondary Education, Govt. of Bihar, Patna.
3. The District Magistrate, East Champaran, Motihari.
4. The Regional Director of Education, Muzaffarpur, District-Muzaffarpur.
5. The District Education Officer, East Champaran at Motihari.
6. The Dist. Program Officer (Establishment), East Champaran at Motihari.
7. The Headmaster, Rajkiya Krit Uchch Vidyalaya (High School) Tenua Block, Kalyanpur, Dist.-East Champaran.
8. Anil Kumar Sah, S/o Nadu Kumar Sah, Resident of Village-Parsauni Wazid, PS-Kalyanpur, Dist.-East Champaran.
9. The Managing Committee, Rajkiya Krit Uchch Vidyalaya (High School) Tenua Block, Kalyanpur, Dist.-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Patel, Adv.
For the State : Mr. Ramadhar Singh, GP-25

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 11-11-2024 The petitioner was appointed as a Night Guard in the respondents School by the Managing Committee of the said School. Subsequently, he was terminated from his contractual service on expiry of 11 months, on the ground that his service was not satisfactory. The said order of termination was passed by the Headmaster of the School.

2. It is contended on behalf of the learned Advocate for the petitioner that the Headmaster of the School was not the



Appointing Authority of the petitioner and he had no power to terminate him from his service. It is the Managing Committee, who can terminate him for his dereliction of duty. Since the Managing Committee did not pass any order of termination, the impugned order is bad in law and liable to be quashed.

3. The learned Advocate for the respondents, on the other hand, refers to Annexure P/10, being the order of the Appellate Authority, affirming the order of termination issued against the petitioner. The said order dated 12th August, 2024 clearly states that the petitioner was terminated on the recommendation of the Managing Committee.

4. Since the post of the petitioner is absolutely contractual in nature, he is not entitled to get any statutory protection in respect of his service.

5. Considering such aspect of the matter, I do not find any merit in the instant writ petition and accordingly dismissed.

(Bibek Chaudhuri, J)

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