

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16910 of 2023

1. Anshu Sinha son of Anil Kumar Sinha, resident of village - Nawan, Post Office- Civil Aerodrome Bodhgaya, Police Station - Bodhgaya, District - Gaya, Bihar - 823004.
2. Amit Kumar Singh, son of Bijendra Singh, Resident of village - Karah, Police Station Baniapur, Post Office- Harpur, Karah, District- Chapra, Bihar- 841403.
3. Sanjeet Kumar, son of Rajendra Singh, Resident of Vill- Mahuari, Post Office - Deoriya, Police Station- Maharajganj. District-Siwan Bihar-841238.
4. Prashant Kumar Singh, son of Narendra Singh, Resident of village Manikpur, Post Office Manikpur, Police Station Maniar, District- Ballia, Uttar Pradesh-277207.
5. Saurabh Singh, son of Virendra Prasad Singh, Resident of Sec-3, Quarter No. 18/B, Street-35, Sector-4, Bhilai, Police Station - Bhatti Thana, District- Durg, Chhattisgarh, 490001.
6. Vikas Kumar, son of Vinesh Prasad, Resident of village - Birnawa, Post Office -Dosut, Police Station- Wena, District-Nalanda, Bihar- 803110.
7. Rajat Gupta, son of Sanjay Gupta, Resident of 709/A, near Bhutnath Mandir, Dadiyapura, Jhansi, Police Station - Manik Chowk, District - Jhansi, Uttar Pradesh-284002.
8. Rahul Chaurasia, son of Raghunath Prasad Chaurasia, Resident of 385K, Rustampur Azad Nagar Colony, Police Station- Ramgarhtal, District - Gorakhpur, Uttar Pradesh 273016.
9. Satyendra Kumar Mishra, son of Surendra Nath Mishra, Resident of Village - Dhoi, Post Office- Dhoi, Police Station - Sadar, District - Darbhanga, Bihar-846009.
10. Manoj Kumar Dubey, son of Bhole Shankar Dubey, Resident of 6 New Jagdamba Colony behind Krishi Upaj Mandi, Police Station - Vijay Nagar, Jabalpur, Madhya Pradesh 482002.
11. Abhishek Singh, son of Subhash Chandra Singh, Resident of Jungle Gaori No.2 Urph Amhia, Post Office - Amahiya, Police Station - Jhagha, District - Gorakhpur Uttar Pradesh 273202.
12. Prashant Singh Chauhan, son of Nagendra Singh Chauhan, Resident of Ward No.1, College Colony, Dhanpuri, Police Station- Burhar, District- Shahdol, Madhya Pradesh -484110.
13. Mrityunjay Kumar, Son of Ranjit Singh, Resident of Ward No.18, Police Station - Sanath Bigha, Dalmianagar, District- Rohtas, Bihar (821305).
14. Anish Kumar, Son of Binay Kumar Ghosh, Resident of House No. 69, Gandhinagar Part, Near Ambastha Niwas, Police Station- Dumka, District - Dumka, Jharkhand 831009.
15. Amitesh Prakash, son of Ved Prakash, Resident of Mohalla Junaidpur, Opposite BS College, Post Office - Digha, Police Station - Danapur, District - Patna (800012).



16. Alok Kumar, son of Dinesh Prasad, Resident of village - Shilanath, Post Office - Dullipatti, via-Jaynagar, Police Station- Jaynagar, District-Madhubani, Bihar (847226).

... .. Petitioner/s

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

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s : Mr. Kumar Alok (Sc 7)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-12-2024 Heard learned counsel for the parties.

2. The petitioners have challenged the orders contained in Memo No. 4160 dated 30.12.2022, Memo No. 1447 dated 12.04.2023 and Memo No. 2171 dated 05.06.2023 issued by the Respondent No. 4 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 respective subjects.

3. The petitioners are 16 in numbers who were



appointed as Assistant Professors in the year 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.

4. 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 contends that by Gazette Notification No. 12534 dated 17.09.2018, issued by the Department of General Administration, Government of Bihar, 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.

5. By filing counter affidavit, learned counsel for the State respondents submits that these petitioners have been engaged purely on temporary basis and the same was purely



need based and project based, as contract faculties. Pursuant to Department's resolution contained in Memo No. 1064 dated 31.03.2021, the department had taken a decision that the service of TEQIP-III faculty working in different engineering colleges to continue with earlier terms and conditions for the period from 01.04.2021 to 31.03.2022 or till the regular appointments to the said posts are made by the BPSC. Furthermore, *vide* Memo No. 4160 dated 30.12.2022, Memo No. 1447 dated 12.04.2023 and Memo No. 2171 dated 05.06.2023, the selected candidates have been recommended for regular appointments by the BPSC on the posts, where these writ petitioners were working earlier, hence as per their terms and conditions of engagement they have been terminated strictly in accordance with provision of law and accordingly regular appointment were made. Moreover, the post on which these petitioners were working has been filled up by regular appointment through BPSC. Hence, in the terms of Section IV(c) of the MOU, these petitioners have been restrained/stopped from working as Assistant Professor in different Engineering Colleges. It is lastly submitted that similar issue has already been decided by co-ordinate Bench of this Hon'ble Court *vide* judgment dated 21.09.2024 passed in CWJC No. 10818 of 2022.



6. Heard the parties.

7. 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 till regular appointment on a vacant posts of Assistant Professor are made and that the impugned orders contained in Memo No. 4160 dated 30.12.2022, Memo No. 1447 dated 12.04.2023 and Memo No. 2171 dated 05.06.2023 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 orders contained in Memo No. 4160 dated 30.12.2022, Memo No. 1447 dated 12.04.2023 and Memo No. 2171 dated 05.06.2023, issued by the Respondent No. 4 whereby the petitioners' employment as Assistant Professors on contractual basis have been terminated.

8. 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.

9. 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.

10. This writ petition is, accordingly, dismissed.

(Prabhat Kumar Singh, J)

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