

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2532 of 2019

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Brahma Kumar Krishndev Sah, resident of Village Basahia Shekh, P.O. Piprahi, P.S. Piprahi, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Food and Supply Department, New Secretariat, Patna.
3. The Managing Director, Bihar State Food Corporation, Patna.
4. The Chief Administrator, Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Darogarai Path, R- Block, Road No. 2, Patna.
5. The Mission Director cum Principal Secretary, General Administration Department Mission Society, Old Secretariat, Patna.
6. The District Magistrate, District- Sheohar.
7. The District Manager, Bihar State Food Corporation, Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumod Kumar Shrivastaw, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC- 4
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-07-2025

Heard the parties.

2. The petitioner is aggrieved with the order dated 30.08.2018 by which the claim of the petitioner for consideration of his re-engagement on the post of Executive Assistant stood rejected. A prayer has also been made to refund the security amount of Rs.25,000/-, which was deposited through draft with the Bihar State Food and Civil Supplies Corporation, Patna (hereinafter referred to as 'the BSFC').



3. Learned Advocate for the petitioner referring to the materials available on record contended that the petitioner was duly appointed as Executive Assistant on 24.12.2011 and he discharged the duty to the entire satisfaction of the authorities concerned till 31.10.2016. His period of contract, on being found satisfactory, has been extended all along. While the petitioner was posted in Dumari Katsari Block, an F.I.R. came to be lodged, bearing Sheohar P.S. Case No. 86 of 2015 on 20.04.2015; only on account of the aforesaid reason, the services of the petitioner dispensed with, without any notice.

4. It is the specific contention of the petitioner that the petitioner was neither named in the F.I.R. nor his specific complicity has come; nonetheless, during the course of investigation the petitioner has been made accused along with other accused of the case. The Authority should at list wait for the outcome of the criminal proceeding, but unfortunately his services have been dispensed with. The request of the petitioner for re-engagement also came to be turned down, hence the present writ petition.

5. Learned Advocate for the BSFC, referring to the employment letter has vehemently contended that there is a clear stipulation that any of the contractual employee, if found



indulging in corrupt practice or made accused in relation to any criminal case, his/her services can be dispensed with with immediate effect. Referring to Clause 5 of the employment letter as contained in Memo No. 301 dated 08.01.2016 (Annexure-6) it is further contended that in case the services of any of the contractual employee is not extended, it shall be deemed to be cancelled.

6. Admittedly the complicity of the petitioner has been found during the investigation in relation to Sheohar P.S. case no. 86 of 2015, whereafter his name has been implicated as an accused, hence the order does not suffer any infirmity.

7. Having considered the submissions, this Court finds substance in the submissions of learned Advocate for the BSFC. A contractual employee has no vested right to get his contract renewed without their being any rules and regulations or stipulations made in the agreement to contract. Stipulations made in the subject employment letter clearly mandate that in case the contractual employee found indulge in any irregularities or there is any criminal case instituted against him, his services shall be dispensed with immediately. The facts are admitted to the extent of the petitioner being implicated in a criminal case.



8. This Court does not find any merit in the present writ petition and the same stands dismissed. However, the petitioner shall be at liberty to file a proper application for refund of his security money, which shall be considered by the concerned authority in accordance with law.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2025
Transmission Date	NA

