

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.673 of 2022

In
Civil Writ Jurisdiction Case No.15295 of 2018

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Pramod Kumar Son of Sri Ram Naresh Prasad Resident of Hansepur, P.S. Aungari (Pirbigaha) Nalanda at Present residing at Patel Nagar, North, Badhaitola, Near Gayatri Temple, P.O. and P.S. Islampur, District- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Mines and Geology Department, Bihar, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Patna.
3. The Additional Secretary, Mines and Geology Department, Government of Bihar, Patna.
4. The Under Secretary to Government, Mines and Geology Department, Government of Bihar, Patna.
5. The Competent Authority, District Mining Office, Jehanabad.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Durga Nand Jha, Advocate
For the State	:	Mr.Gyan Prakash Ojha (GA7)
For the Mines	:	Mr. Naresh Dikshit, Spl.P.P
		Ms. Kalpana, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-07-2025

In the present LPA, appellant has assailed the order of the learned Single Judge dated 01.11.2022 passed in CWJC No. 15295 of 2018.

2. The appellant was appointed on contract basis and his services were terminated on 18.03.2018 while relieving his



services on 19.03.2018. The appellant's services have been dispensed while appointing two persons vide Annexure-13 dated 19.03.2018 to the supplementary affidavit filed in the writ petition. Their names are as under:-

क्र०	नाम	पिता का नाम	कोटि
1.	मो० जावेद इकवाल	स्व० मो० रेयाजुद्दीन	अनारक्षित
2.	सुश्री/श्रीमती मितु कुमारी	श्री रमेश प्रसाद गुप्ता	अनारक्षित महिला

3. Core issue involved in the present *lis* is whether a contract employee can be replaced by another contract employee or not. No doubt, such principle is attracted to the extent that one contract employee cannot be replaced by another contract employee unless and until there are any allegation against initially appointed contract employee.

4. Be that as it may, the appellant has not assailed the appointment of newly appointed contract employees so as to invoke the aforementioned principle. For want of necessary and proper party, the appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 01.11.2022 passed in CWJC No. 15295 of 2018. It is to be noted that the learned Single Judge has not taken note of the non impleadment of necessary and proper party and so also there is no challenge to the aforementioned persons appointment on



contract basis. In the event of allowing present LPA, newly appointed contract employees right would be affected and it would be without hearing them.

- 5. The present LPA stands dismissed.
- 6. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.08.2025
Transmission Date	NA

