

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.478 of 2025

-
1. Nilesh Kumar Mishra Son of late Manohar Mishra, Resident of Village- Shirnia, P.O.- Jamalpur- Gogri, P.S.- Gogri, District- Khagaria, Bihar- 851203.
 2. Dharendra Kumar, Son of late Arjun Mandal, Resident of Village- Dindayal Pur, P.O.- Kodanda, P.S- Shahkund, District- Bhagalpur, Bihar- 813108.
 3. Kishor Kumar Purve, Son of Sri Tarni Purve, Resident of Village and P.O.- Madhubani, P.S- Uda Kishunganj, District- Madhepura, Bihar-852105.
 4. Rajeev Ranjan, S/o Shri Krishna Mohan Prasad, Resident of Postal Park, Budh Nagar, Road no. 01, P.S- 800001, District- Patna, Bihar- 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Secretary, Department of Science and Technology and Technical Education Department, Government of Bihar.
4. The Joint Secretary, Department of Science and Technology and Technical Education Department, Government of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Kauahik, Advocate
For the Respondent/s : Mr.Standing Counsel (04)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-01-2025 Heard Mr. Kumar Kauahik along with Ms. learned

counsel appearing on behalf of the petitioners and learned SC 4

for the State.

2. Petitioners have *inter alia* prayed for following
reliefs in the paragraphs No.1 of the writ petition:-

*“That this is an application by which the
petitioners pray for issuance of an order, direction or a
writ of mandamus for directing the respondent authorities
to continue the services of the petitioners who were*



appointed on contract basis in the subject of Mechanical Engineering by the Department of Science and Technology for teaching in Government Engineering Colleges in the State of Bihar inasmuch as others appointed along with the petitioners have been allowed to continue in service and, therefore, the impugned action of terminating the services of the petitioners is highly arbitrary, discriminatory and unconstitutional.”

3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners after being declared successful in written test and also according to their academic performance were selected to be appointed on contract basis vide Memo No.2917 dated 28.10.2023. They all were selected in Mechanical Engineering as Assistant Professor in different Engineer Colleges in the State of Bihar. Thereafter, their contract was being renewed from time to time until Memo No.3336 dated 26.06.2019, which stipulates that 26 Assistant Professors including the petitioners will be retained till the date of retirement or regular recruitment.

4. Learned counsel further informs that Bihar Public Service Commission came out with an Advertisement No.51/2020 dated 09.09.2020, inviting application for the post of Assistant Professor in Mechanical Engineering in different government engineering college. The advertisement stipulates that weightage of 25 marks will be given to those candidates, who were appointed on contract basis but the candidates were required to be sort listed for interview only on the basis of their



performance in the written test. Learned counsel further submitted that condition itself is very illusory as in result, 25 marks weightage will have no relevance, if the requirement of selection is based on performance basis. It is the case of the petitioners that the final result was published on 27.01.2023 and out of total 263 vacancy, only 246 candidates have finally been appointed in mechanical engineering subject as Assistant Professor in different engineering college. Learned counsel further informs that out of 26 persons who were selected along with the petitioners, 10 were working in mechanical engineering branch and 2 out of those 10 candidates were selected in the regular recruitment, leaving 8 such candidates on contract basis. Out of 8 working persons, only 6 have been removed including the petitioners and two other candidates are still working in different engineering colleges.

5. It is the case of the petitioners that there are still 17 posts vacant and petitioners have stated in paragraph no.15 of the writ petition that they have filed their representation before the Secretary, Department of Science and Technology and Technical Education Department, Government of Bihar on 13.04.2023 and same has not been considered till date.

6. Considering the information contained in paragraph



no.15 of the writ petition and the information as has been given by the petitioners in the writ petition and before this Court in course of argument, I find it proper to direct the Secretary, Department of Science and Technology and Technical Education Department, Government of Bihar to forthwith take steps to fill up 17 vacant posts, so that the students, at large, may not suffer academically. The action should be taken well within a period of four weeks from the date of receipt/production of a copy of this order. In case, the Secretary, Department of Science and Technology and Technical Education Department finds that the petitioners' grievance cannot be resolved, then they must be given due opportunity of hearing.

7. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

