

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1834 of 2017

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Anand Prakash Agarwal S/o- Prof. Dr. Dwarka Das Agarwal, Resident of-
Lalbag Colony, Tilkamanjhi, P.O. and P.S.- Tilkamanjhi, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
2. The Director, Directorate of Employment and Training, Labour Resources Department, Government of Bihar, Patna.
3. The Deputy Director, Directorate of Employment and Training, Labour Resources Department, Government of Bihar.
4. The Principal Institute of Industrial Training, Gandhi Chowk, Banka presently at Village- Telia, P.O. Telia, P.S. Banka, District Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash Dwivedi, Advocate Mr. Saurabh Raj, Advocate
For the Respondent/s	:	Mr. Anil Kumar Singh, G.P.-26

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 19-01-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):

“I. For issuance of a writ in the nature of writ of Certiorari or any other appropriate writ, order or direction, quashing the order dated 07.04.2012, Annexure-7 passed by Principal, Industrial Training Institute, Banka passed in Memo No. 62/Banka whereby and where under the representation of the petitioner for appointment of English Instructor in the said institute has been rejected by Respondent Principal on wrong and fictitious ground.



II. For issuance of a writ in the nature of writ of Mandamus or any other appropriate writ, order or direction commanding the respondent Principal to appoint the petitioner on the said post and accept the joining of the petitioner.

III. For any other reliefs which the petitioner may be found entitled.”

3. It is submitted by learned counsel for the petitioner that pursuant to the respondents coming out with an advertisement on 14.8.2009 for appointment of Instructors on contractual basis, the petitioner along with the other similarly situated persons applied and was selected. The office order dated 18.6.2010 is brought on record as Annexure-1 to the writ application.

4. It further transpires that subsequently the petitioner who was working on the post of English Instructor in the Industrial Training Institute at Banka was absent for certain days for family reasons. In spite of the petitioner having submitted an application along with medical documents, no final decision was being taken and he was being prevented from discharging his duties. This led to the petitioner filing CWJC no.1453 of 2012 in this Court.

5. CWJC no.1453 of 2012 was disposed of by order dated 14.2.2012 directing the Principal, Industrial Training Institute at Banka to consider the representation filed by the



petitioner and to dispose of the same by a reasoned and speaking order within the time fixed. As such, the petitioner filed a representation which came to be rejected by order no. 62 dated 7.4.2012 (Annexure-7), impugned herein.

6. It is submitted by learned counsel for the petitioner that the respondents not having considered the representation in the proper perspective, the order impugned is not sustainable and the same be set aside.

7. On perusal of the order dated 7.4.2012, it transpires that the authority concerned while considering the representation filed by the petitioner has taken note of the fact that as per order no.1423 dated 30.5.2011, the tenure of the persons working on contract basis was to be extended by a further period of one year or till regular appointment was made, whichever is earlier. This would have been for the period 1.6.2011 to 31.5.2012. The extension of service on contract basis was not to take place in case of those persons who did not give their joining ie were absent even after their appointment, had resigned or were not working inspite of having joined the service on contract basis. As the petitioner was not working from 13.7.2010 to 30.5.2011 and was unauthorisedly absent without any information, so far as the extension of period of



contract is concerned, the same was not applicable so far as the petitioner is concerned. The respondents as such found no merit in the representation filed by the petitioner and rejected the same.

8. Having perused the contents of the petition specially the order impugned dated 7.4.2012, this Court finds no illegality in the said order. The petitioner has not made out a case for interference by this Court in the order impugned.

9. The application is dismissed.

(Partha Sarthy, J)

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