

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8719 of 2026

1. Manisha Kumari Daughter of Baban Prasad, Resident of Village- Damuchak, P.S.- Mahammadpur Kazi, District - Muzaffarpur, Bihar.
2. Asif Ata Son of Aatur Rahman, Resident of Village- Barhanda, P.S.- Minapur, District- Muzaffarpur, Bihar.
3. Rahul Kumar Pankaj Son of Ravindra Ram, Village- Bhore, P.S. Bhore, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Science, Technology and Technical Education, Patna, Bihar.
2. The Principal Secretary, Dept. of Science, Technology and Technical Education, Bihar, Patna.
3. Muzaffarpur Institute of Technology, Muzaffarpur, through its Registrar.
4. The Principal, Muzaffarpur Institute of Technology, Muzaffarpur, 842003.
5. The Head of Department, Pharmacy, Muzaffarpur Institute of Technology, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prince Kumar Mishra, Adv.
For the Respondent/s	:	Mr.Government Advocate (5)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioners and learned State counsel.

2. In the present writ petition, the petitioners have prayed for allowing them to continue as Guest Assistant



Professors/Guest Technical Assistants and also for quashing the undated impugned Notice No. 01/2026-27/Muzaffarpur, as contained in Annexure P/5 to the writ petition.

3. Learned counsel for the petitioners submits that petitioners were appointed as Guest Faculty on 26.08.2019, 07.07.2022 and 15.03.2024 respectively. It is next submitted that the petitioners worked continuously till 17th April, 2026 and the names of the petitioners still reflect on the website of Pharmacy Council of India. It is next submitted that all of a sudden, an advertisement was issued by the college in Hindustan newspaper on 05.05.2026 bearing Notice No. 01/2026-27/Muzaffarpur whereby the applications were invited for engagement on the post of Guest Assistant Professor through walk-in interview, explicitly for the fresh emplacement and engagement of new Guest Assistant Professors across multiple departments, including Chemical Engineering, Pharmacy, Physics and Chemistry and the administrative intent to replace the presently working petitioners with afresh set of guest faculty on a purely temporary and remuneration basis constitutes a direct contravention of settled service jurisprudence. It is next submitted that although the petitioners regularly discharged their teaching duties until April 17, 2026, the authorities had already



withheld their legally entitled remuneration starting from September 2025 without assigning any valid reason but, subsequently, on April, 17, 2026, the petitioners' names were abruptly removed from the official teaching routine, effectively barring them from work. Learned counsel for the petitioners submits that such action of the respondents authorities is absolutely arbitrary and illegal.

4. In this connection, he has placed reliance on decisions of Hon'ble Supreme Court in the case of ***Manish Gupta v. President, Jan Bhagidari Samiti***, reported in **AIR ONLINE 2022 SC 576** and ***Hargurpratap Singh v. State of Punjab***, reported in **2007 (13) SCC 292**. Learned counsel for the petitioners has also placed reliance on ***order dated 01.09.2022 passed in C.W.J.C. No. 17407 of 2021*** by a coordinate Bench of this Court.

5. Considering the rival submissions of the parties and materials available on record, law in this regard is settled that a guest faculty engaged on contractual basis ought not be replaced by another set of contractual employee/guest faculty. However, at the same time, the institute cannot be restrained from engaging additional guest faculties. If regularly selected faculties are made available, the principle of '***last come first go***'



shall have to be followed and those, who are engaged at later point of time, will have to give room to them while those who are engaged since long will have to be allowed to continue till all the posts are filled-up on regular basis.

6. Learned counsel for the respondent/State does not dispute the contention made on behalf of petitioners.

7. In view of aforesaid facts and circumstances as also law laid down by Hon'ble Supreme Court in the case of *Manish Gupta (supra)* and *Hargurpratap Singh (supra)*, this Court is of the opinion that the services of the petitioners shall not be dispensed with and petitioners be allowed to continue to work till the joining of regular selected candidates. No further direction is required to be issued.

8. With above observation and direction, the writ petition is disposed of.

(Ajit Kumar, J)

rishi/-

U			
---	--	--	--

