

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15566 of 2024

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Hareram Mishra Son of Bhavesh Kumar Mishra, Resident of Ward No.6,
Village- Lakshmipur, Raiyam Purvi, P.S.- Bhairavsthan, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar. P
2. The Additional Chief Secretary-cum-Principal Secretary, Department of Science and Technology, Government of Bihar, Patna.
3. The Director, Department of Science and Technology, Government of Bihar, Patna.
4. Principal, Government Polytechnic, Kadirabaad, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binodanand Mishra
For the Respondent/s : Mr.Standing Counsel (21)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 21-10-2024

Heard learned counsel for the petitioner and learned State counsel.

2. In the present writ petition, the petitioner has prayed for allowing him to continue as Guest Lecturer and also for quashing the advertisement / Interview Notice No. 1 of 2024-25 dated 11.09.2024, as contained in Annexure P/11 to the writ petition.

3. Learned counsel for the petitioner submits that petitioner has been engaged / appointed as Guest Lecturer (Electrical Engineering) in the Government Polytechnic



Darbhanga and continued as such since 27.02.2017. In course of his service as Guest Lecturer in the Government Polytechnic, Darbhanga, petitioner successfully completed the short term training programme conducted by National Institute of Technical Teachers Training and Research, Bhopal (Ministry of Education, Govt. of India). A certificate to this effect is annexed as Annexure P/2 to the writ petition. He further submits that apart from taking work as Guest Lecturer, petitioner was also assigned with the administrative work and thus, the petitioner regularly assigned classes in Electrical Engineering Department. Even though, no regular appointment has been made, the respondent authority issued a communication, contained in Interview Notice No. 1/2024-25 dated 11.09.2024 inviting applications for appointment of Lecturer in Government Polytechnic Darbhanga. Learned counsel for the petitioner submits that said action of the respondents authorities is absolutely arbitrary and illegal. 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 petitioner 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.

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

5. Considering the rival submissions of the parties and materials available on record. Law in this regard is settled that a guest lecturer 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 lecturers. If regularly selected lecturers are made available, the principle of '*last came first go*' shall have to be followed and those who are engaged later in 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. 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 petitioner shall not be dispensed with and petitioner be allowed to continue to work till the joining of regular selected candidates. No further direction is required to be issued.



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

(Prabhat Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.10.2024
Transmission Date	N/A

