

Court No. - 5

Case :- WRIT - A No. - 2001232 of 2009

Petitioner :- Dr.Mohd.Shoeb Ibne Abdul Aziz And Anr.
Objection Filed

Respondent :- State Of U.P. Thru Prin. Secy. Medical
Education And Others

Counsel for Petitioner :- Sandeep Dixit,Varadraj Shreedutt
Ojha

Counsel for Respondent :- C.S.C.

Hon'ble Irshad Ali,J.

1. Heard Sri V.S. Ojha, learned counsel for the petitioner and learned Standing Counsel for the respondent-State.

2. The petitioners have been appointed as Medical Officer against regular vacancy and they have been continuing awaiting candidates from the U.P. Public Service Commission. In the meantime, the Government took a decision to replace the petitioners from other new incumbents. Hence the petitioners approached this Court under writ jurisdiction.

3. Submission of petitioners' counsel is that even if the petitioners' appointment is ad hoc or contractual, then they cannot be replaced by other ad hoc or contractual candidates in view of the law settled in various judgments by Hon'ble Supreme Court.

4. Learned standing counsel does not dispute that till date, no regular candidates have been recruited. The replacement of ad hoc by ad hoc, seems to be not permissible under law. Subject to satisfactory discharge of duty, the petitioners are entitled to continue in service till regularly selected candidate joins. By the interim order passed by this Court, the petitioners were permitted to continue on the same terms and conditions which they were having at the time of initial appointment. No useful purpose will be served by keeping the petition pending.

5. The writ petition is finally **disposed of** directing the respondents to permit the petitioners to continue in service in terms of initial appointment till regularly selected candidates join.

Order Date :- 2.11.2023

Gautam