

Court No. - 7

Case :- WRIT - A No. - 8739 of 2023

Petitioner :- Sandhya Devi

Respondent :- State Of U.P. Thru. Secy. Basic Education Lko. And 7 Others

Counsel for Petitioner :- Vikas Sharma

Counsel for Respondent :- C.S.C., Prashant Kumar Singh, Sarvesh Kumar Dubey

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner, learned Standing counsel for the respondents no. 1, 2, 4 & 5 Shri Sarvesh Dubey, learned counsel for the respondents no. 3 & 7 and Shri Prashant Kumar Singh, learned counsel for the respondent no. 6.

The instant writ petition has been filed challenging the order dated 25.09.2023, a copy of which is annexure 1 to the petition, whereby the renewal of the petitioner as Assistant Cook has been rejected alongwith several others on the ground that the petitioner has been negligent towards her work and is an undisciplined employee.

The contention of learned counsel for the petitioner is that the petitioner had been working right since the year 2013 and all along the renewal has been done by the respondents but for the current year whereby they have rejected the renewal by passing the order impugned. It is prayed that the order be set aside with further direction to renew the contract of the petitioner.

On the other hand, Shri Sarvesh Kumar Dubey and Shri Prashant Kumar Singh, learned counsels for the respondents states that on account of conduct of the petitioner she had been issued with a show cause notice dated 31.07.2023, a copy of which is annexure 4 to the petition, whereby her conduct alongwith the conduct of her husband who had tried to browbeat the staff had been indicated. The petitioner had

submitted a reply on 04.08.2023, a copy of which is annexure 5 to the petition, whereby she categorically admitted the misdemeanor on the part of husband and further prayed that she would not be repeating the same in future.

Accordingly, considering the show cause notice and the reply submitted by the petitioner wherein she has categorically admitted her misdemeanor read with the government order dated 11.12.2020, a copy of which is annexure 3 to the petition which provides that with respect to indiscipline etc of the contractual staff the contract cannot be renewed consequently the order impugned dated 25.09.2023 has been passed whereby it has been decided to not renew the contract of the petitioner and thus there is no error in the order impugned.

Having heard learned counsels for the parties and having perused the record what emerges is that although the petitioner has been continuing right since 2013 yet for the current year her contract has not been renewed by means of the impugned order dated 25.09.2023 by indicating carelessness and gross indiscipline on her part.

Perusal of record would indicate that the petitioner had been issued with a show cause notice on 31.07.2023 whereby gross indiscipline and browbeating by her husband of the staff concerned was indicated. The petitioner while submitting reply on 04.08.2023 had categorically admitted the same although had indicated the she would not repeat the same conduct in future.

From perusal of the reply it thus emerges that the charge of gross indiscipline against the petitioner stands admitted by the petitioner by submitting her reply. The policy governing the renewal of contracts as issued by the government order dated

11.12.2020 also indicates that renewal of contract depends upon their being satisfactory service and in case of gross indiscipline on the part of the contractual employee the contract should be ended.

Considering the aforesaid as well as the conduct of the petitioner no case for interference is made out.

The writ petition is **dismissed**.

Order Date :- 8.11.2023

J.K. Dinkar