

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 77 of 2015

1. Poonamchand Chandrakar S/o Beni Ram Chandrakar Aged About 28 years Earlier Posted As Rural Medical Assistant Block Primary Health Centre, Bhanuri Block Dharsiwa District Rapur R/o Sanjay Nagar, Depot Road, Kurud, P.S. Kurud District Dhamtari C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur C.G.
2. Mission Director National Rural Health Mission 4th Floor, L.I.C. Building Jeevan Bima Road, Pandri Raipur .C.G.
3. Chief Medical & Health Officer, Raipur, Distt. Raipur C.G.
4. Block Medical Officer, Community Health Centre Dharsiwa District Raipur C.G.

---- Respondent

For Petitioner	Mr. Mateen Siddiqui, Advocate
For Respondent/State	Mr. Sangarh Pandey, Dy. GA & Mr. Bhaskar Payasi, PL
For Respondent No.2	Mr. C.J.K. Rao, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

20/07/2015

Heard learned counsel for the parties.

1. Petitioner has preferred this writ petition seeking quashment of the order dated 7-11-2014 (Annexure – P/1) passed by the respondent

No.2 rejecting his representation for continuation of the contract appointment.

2. The petitioner was appointed as Rural Medical Assistant on contract basis on 18-5-2011 and, thereafter, the same was continued for the year 2012-13 & 2013-14. At the time of assessment of his performance for the year 2013-14 the petitioner was granted 61 marks out of 100, after appraisal of his performance. In the appraisal report, the Block Medical Officer recommended for continuation of the contract appointment, which was seconded by the District Programme Manager, National Rural Health Mission, however, the Chief Medical & Health Officer noted that the services are not satisfactory, therefore, need not be renewed.
3. Petitioner had earlier preferred WP (S) No.5096 of 2014, which was disposed of on 25-9-2014 to decide the petitioner's representation in accordance with law. Representation (Annexure – P/12) has now been rejected by the impugned order.
4. After hearing learned counsel for the parties at length and on perusal of the Chhattisgarh Human Resources Policy 2014, applicable for the subject appointment, it would appear that in para 12 thereof it is clearly mentioned that for renewal of the contract appointment the performance based appraisal would be considered and if the candidate is found suitable the contract appointment shall be renewed. Para 16.5 mentions that out of the scale of 100 marks a

- candidate securing more than 55 marks would be treated as good and the candidate shall be entitled to renewal of contract appointment.
5. There is no dispute that in the performance appraisal, the petitioner has secured 61 marks, therefore, in view of para 16.5 of the policy, the petitioner performance was good and was entitled for renewal of contract appointment, however, the effect of para 12 read with para 16 of the policy has not been considered by the authority while considering the petitioner's representation.
6. For the foregoing, the writ petition is disposed of with a direction that the respondent No.2 shall consider the petitioner's representation afresh in view of the specific contents of the guidelines contained in paras 12.6 & 16.5 of the policy. The respondent No.2 shall take a decision at the earliest preferably within a period of two months from today, after considering all the aspects of the matter including paras 12.6 & 16.5 of the policy.
7. No order as to costs.

Sd/-

Judge

Prashant Kumar Mishra

Gowri