

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 100 of 2015

Smt. Jayanti Singh W/o Kudrat Ali Aged
About 31 years R/O Lal Bahadur Singh,
Kedarpur, Near Holy Cross Hospital,
Ambikapur, Police Station And Post
Ambikapur, Civil And Rev. Distt. Surguja
C.G.

---- **Petitioner**

Versus

1. State Of Chhattisgarh And Ors. Through
Secretary, Health And Family Welfare
Department, Mahanadi Bhawan,
Mantralaya, Capital Complex, Naya
Raipur, Distt. Raipur C.G.
2. Mission Director The National Health
Mission, Chhattisgarh Raipur, Distt. Raipur
C.G.
3. Collector Ambikapur, Surguja, Distt.
Surguja C.G.
4. Chief Medical & Health Officer Surguja,
Ambikapur, Distt. Surguja C.G.
5. District Programme Manager National
Health Mission, Surguja, Ambikapur,
Distt. Surguja C.G.

---- **Respondents**

For Petitioner:	Shri Manoj Paranjpe, Advocate.
For State/Respondents No.1, 3 & 4:	Shri Rahul Tamaskar, PL.
For Respondents No.2 & 5:	Shri CJK. Rao, Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

10/03/2015

The petitioner through the instant writ petition has challenged the order Annexure P-1 dated 25.11.14 whereby a representation of the petitioner against the non-renewal of her contractual appointment was rejected.

2. Counsel for the petitioner, at the outset submits that this is the 2nd round of writ petition against the non-renewal of the contractual appointment of the petitioner and that when the contractual appointment of the petitioner was not renewed w.e.f from 3.9.14, the petitioner had

preferred a writ petition i.e. W.P(S) No.4977/14. In the said writ petition, taking into consideration the submissions and contentions put forth by either parties, the Writ Court, while disposing the writ petition, held as under:-

“Taking into consideration the aforesaid submissions, the writ petition is disposed of with the direction that in the event the petitioner submits fresh representation before the Mission Director, National Rural Health Mission (NRHM), the Mission Director shall consider and decide the representation of the petitioner and the Mission Director may in his discretion also afford an opportunity of personal hearing to the petitioner while making an enquiry whether the petitioner's performance is proper or not and he shall also verify whether the performance report of the petitioner has been deliberately spoiled by the then District Programme Manager. The Mission Director shall take a decision on its own merits, as early as possible, preferably within a period of three months from the date of submission of representation.”

3. Needless to mention that perusal of the aforesaid paragraph which is the operative part in W.P.(S) No.4977/2014, it was very categorically mentioned that as to the role played by the Mission Director, National Rural Health Mission. The High Court, vide its order dated 19.9.14 in the said Writ Petition, had given a specific direction to the Mission Director for considering and deciding the representation of the petitioner. It was further directed that the Mission Director would first conduct an enquiry specifically in respect of the allegation that the petitioner was not performing or discharging her duties properly and whether the performance report of the petitioner had been deliberately spoiled by the then District Programme Manager or not. It was also observed by the Court that in case it is required, the Mission Director has the discretion of calling upon the petitioner for making her submissions in respect of the representation.

4. However, in spite of such a specific and categorical direction being given by the High Court in respect of the grievance of the petitioner, the respondents particularly, respondent No.2 in a very casual approach and in total disregard to the directives given by the High Court in W.P.(S) No.4977/14 dated 19.9.14 has passed an order in a mechanical manner without firstly considering the submissions and contentions of the petitioner in her representation, secondly, not granting the petitioner an opportunity of explanation/hearing and thirdly, by not passing a speaking order dealing with the allegations and submissions raised in the writ petition and lastly, without conducting an enquiry as was envisaged in the order passed by the writ court on 19.09.14.

5. *Prima facie* perusal of Annexure P-1 would clearly indicate that the observations made by the Writ Court have not been taken care of while the impugned order was passed though in the said matter there is a reference of the order dated 19.9.2014 but the observations of the Writ Court have not been taken heed of by respondent No.2. Respondents No. 2 to 5 in their return also have not been able to explain as to how the directives of the High Court in its order dated 19.9.14 have been taken care of by respondent No.2 while passing the impugned order Annexure P-1.

6. Considering the facts and circumstances of the case, without further going into the merits of the case, this Court feels it proper that ends of justice would meet by quashing the order Annexure P-1 at its present state and remit the matter back to respondent No.2 for fresh adjudication upon the representation made by the petitioner after the state of disposal of the Writ Petition No.4977/14.

7. It is expected that respondent No.2 shall, this time keep in mind the directives and the observations made by the High Court in its order dated 19.9.14 and shall also ensure that enquiry is also conducted and a fresh order shall be passed as expeditiously as possible dispassionately without being influenced by any observation made by this Court.

8. With the above observation, the instant Writ Petition stands allowed and disposed of.

J U D G E