

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5124 OF 2015

Mahendrapratap Singh S/o Tufani Patel

-vs-

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. I. S. Charlewar, counsel for the petitioner.
Mr. D.B.Patel, A.G.P for the respondents.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 03.09.2015.

By this petition, the petitioner challenges the order of the Joint Director of Health Services-respondent No.3, dated 06/08/2015, terminating the services of the petitioner. The petitioner seeks a direction to the respondent No.3 to reinstate the petitioner on the post of Epidemiologist, in the interest of justice.

According to the petitioner, though the services of the petitioner were satisfactory, the same were terminated with one month's notice by the impugned order, dated 06/08/2015 on the ground that the petitioner's services were not satisfactory. According to the petitioner, in the circumstances of the case, the petitioner is entitled to be reinstated in service.

On hearing the learned counsel for the parties and on a perusal of the appointment order as also the other documents annexed to the petition, it appears that the appointment of the petitioner as an Epidemiologist was purely temporary and on contractual basis. The appointment of the petitioner was not in a regular vacancy, but was subject to cancellation, if there was any change in the IDSP project or if the project was closed down. The

appointment of the petitioner was on a consolidated remuneration of Rs.27,000/- per month and the contractual service agreement was duly executed between the petitioner and the Mission Director on Rs.100/- stamp paper. As per one of the terms of the contractual and temporary appointment, the services of the petitioner were liable to be terminated, if the work of the petitioner was found to be unsatisfactory. The appointing authority has terminated the services of the petitioner due to his unsatisfactory services. Merely because the District Health Officer, Zilla Parishad, Gondia had written to the Director on the basis of the request letter of the petitioner on 19/08/2015 that the services of the petitioner were satisfactory and the petitioner could be absorbed in the said post, it cannot be said that the termination of the petitioner is bad-in-law. In the instant case, by the impugned order, dated 06/08/2015, the services of the petitioner were terminated due to his unsatisfactory work. The order appears to be innocuous and there is no reason to interfere with the same, in exercise of the writ jurisdiction, specially when the appointment of the petitioner was on a project purely on temporary and contractual basis.

Since there is no merit in the writ petition, the same is dismissed with no order as to costs.

JUDGE

JUDGE