

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT APPEAL No. 192 of 2015

P.C.: (per the Hon'ble Sri Justice Dilip B.Bhosale)

This writ appeal is directed against the order, dated 06.02.2015, passed in W.P.No.2139 of 2015. The writ petition was filed by the appellant for seeking direction to respondent Nos.1, 3 and 4 to allow him to work as Aarogyamithra in Balayapalli PHC, SPSR Nellore District. It appears that the appellant was appointed *vide* letter, dated 17.07.2012 on outsourcing basis for a salary of Rs.4,576/- including EPF and ESI by respondent No.4, which is the non-Government organization. The letter of appointment itself made it clear that his appointment was purely on temporary basis and would be terminated at any time without giving any notice or assigning any reason therefor. In this backdrop, learned Judge has dismissed the writ petition observing as follows:

The Aarogya Seva Scheme is a non-statutory scheme. It has been introduced by the State Government with a view to provide certain financial assistance to the deserving families so as to secure the needy medical assistance by them. Therefore, for the purpose of effective supervision of this beneficial scheme, a trust is obviously created. A writ of mandamus, as is too well-known, can be issued for enforcing any right, either statutory or fundamental, or for forbearing any public authority from acting contrary to law or exceeding the limits of jurisdiction. If the scheme itself is a non-statutory scheme and the 4th respondent is a private non-governmental organization, there is no way that a writ of mandamus as prayed for can be issued against the same.

Learned counsel for the appellant submits that since the Scheme was a Government Scheme, learned Judge ought to have entertained the writ petition. We do not agree with the submission made by learned counsel for the appellant in view of the admitted fact that respondent No.4 is the NGO and the appellant's services were engaged by them purely on temporary basis under the non-statutory scheme. In any case, the letter of appointment did not create any legal right in the appellant so as to seek writ of mandamus under Article 226 of the Constitution of India.

Hence, the writ appeal is dismissed.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:09.04.2015

kdl

