

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4386 OF 2015

Sarfaraj Ahmad Saudagar

-vs-

Civil Surgeon, General Hospital, Bhandara 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.A.S.Kilor, counsel for the petitioner.
Mrs. Mrunal Naik, AGP for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 08.01.2016.

By this petition, the petitioner challenges the order of the Maharashtra State Aids Control Society, dated 08/07/2015 terminating the services of the petitioner as a counsellor.

The petitioner was appointed as a counsellor on contractual basis in pursuance of an advertisement issued in the year 2006 for a limited period. The post of counsellor being a responsible post, the petitioner was required to give counselling and assist the patients that were admitted in the hospital. After expiry of the term of the contract, the petitioner was re-appointed from time to time and by the last appointment order dated 10/04/2015, the petitioner was appointed as a counsellor for a period of one year. During the said period, the petitioner was served with a show cause notice. Five charges were levelled against the petitioner. The petitioner replied to the show cause notice. However, the respondents did not find the reply of the petitioner to be satisfactory. The respondents, therefore, terminated the services of the petitioner after recording findings on the charges levelled against the petitioner. The petitioner has challenged the order of termination.

On hearing the learned counsel for the parties, it appears that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction. The petitioner was appointed merely on contractual basis for a period of one year. As the petitioner's services were not found to be satisfactory, the respondents issued a notice to the petitioner asking him to show cause in respect of the allegations levelled against him. The petitioner submitted the reply to the allegations, but the respondents did not find the same to be satisfactory and the petitioner's services were terminated. We cannot sit in appeal over the decision of the respondents of holding that the services of the petitioner were unsatisfactory. We find that the petitioner was appointed for guiding the patients admitted in the hospital and the petitioner was found to be misbehaving with the women workers and also with the patients. It was found by the respondents that the petitioner was using foul language while taking to the patients and was spending time in chatting with the laboratory technicians. It was found by the respondents that the petitioner had specially behaved very badly with Smt. Asha Shende, who was working as a laboratory technician. As stated earlier, since we would not have jurisdiction to substitute the opinion expressed by the respondents in regard to the unsatisfactory work of the petitioner, the writ petition is liable to be dismissed.

The writ petition is dismissed as such with no order as to costs.

JUDGE

JUDGE