

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 275 of 2017**

1. Kamal Kishore Dewangan S/o. Shri B. L. Dewangan, Aged About 28 Years R/o Near Water Tank, Kankalinpara, Ward No. 13, Simga, District Balodabazar Bhatapara (Chhattisgarh).
2. Annapurna Verma D/o Angeshwar Lal Verma, Aged About 22 Years R/o Shyam Nagar, Tilda, Ward No. 17, Block Tilda, District Raipur (Chhattisgarh).

---- Petitioners**Versus**

1. State of Chhattisgarh Through Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, Balodabazar Bhatapara, District Balodabazar Bhatapara (Chhattisgarh).
3. Chief Executive Officer-Cum- District Project Director, Rajiv Gandhi Shiksha Mission (S S A), District Balodabazar Bhatapara (Chhattisgarh)
4. Block Resources Coordinator Simga, District Balodabazar Bhatapara (Chhattisgarh).

---- Respondents

For Petitioners	:	Shri CJK Rao, Advocate.
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/03/2017**

1. Challenge in this petition is to the order dated 16.12.2016 (Annexure P/1) whereby the services of the petitioners have been ordered to be discontinued.
2. Indisputably, the petitioners have been discharging the duties of Data Entry Operator at Block, Simga and Tilda respectively. The grievance of the petitioners are that their services have been discontinued without any cogent reasons nor is there any allegation of any misconduct to have been committed by the petitioners. Therefore, the services of the petitioners should not have been discontinued abruptly.

3. The State counsel however opposes the petition and submits that it is a case where substantive appointment of the petitioners are that of daily wage employees and were discharging the duty of Data Entry Operator, as such, they do not have any substantive right created in their favour for seeking a writ of mandamus against the respondents/State for continue in employment. He further submits that since there is no substantive right accrued in favour of the petitioners, as and when fresh recruitment process shall be initiated, the petitioners can still participate in the said recruitment process and at that juncture the experience of the petitioners shall be kept in mind by the selection committee.
4. Be that as it may, without entering into the merits of the case, this petition is disposed of with an observation that since the petitioners as on date do not have any substantive right but that does not mean that the respondents shall keep on filling up the said post by a different set of similarly placed persons periodically. If at all, if the respondents at any point of time requires the services of Data Entry Operator on daily wage basis, the case of the petitioners be considered taking into consideration the past experience they have put in at the respective place of their employment.
5. With the aforesaid observations, the writ petition stands disposed of.

Sd/-
(P.Sam Koshy)
Judge