

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2752 of 2015

- Manoj Kumar Sahu S/o Late Nandlal Sahu, Aged About 34 Years R/o Village - Dumariya P.S.- Patna Tahsil- Baikunthpur District - Korea (Chhattisgarh) Working On The Post Of Peon Contract Basis Chief Medical And Health Office Baikunthpur District- Korea (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through - The Secretary, Department Of Public Health And Family Welfare, Mahanadi Bhawan, New Raipur District- Raipur (Chhattisgarh)
2. The Director Health Services Indrawati Bhawan New Raipur District- Raipur (Chhattisgarh)
3. The Collector Korea, Baikunthpur District- Korea (Chhattisgarh)
4. Chief Medical And Health Officer Baikunthpur, District - Korea (Chhattisgarh)

---- Respondent

And

WPS No. 2661 Of 2015

- Satyendra Kumar Mishra S/o Shri Ramsiya Mishra Aged About 35 Years R/o Village Budar Post Budar P.S. Patna Tahsil Baikunthpur District Korea (CG) Working As Ward Boy Contract Basis Primary Health Center Haldibadi (Chirmiri District Korea Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of Public Health And Family Welfare Mahanadi Bhawan, New Raipur District Raipur Chhattisgarh
2. The Director Health Services Indrawati Bhawan New Raipur District Raipur Chhattisgarh
3. The Collector Korea, Baikunthpur, District Korea Chhattisgarh
4. Chief Medical And Health Officer Baikunthpur, District Korea Chhattisgarh

5. Block Health Officer Community Health Center Haldibadi (Podi)
District Korea Chhattisgarh

---- Respondent

And

WPS No. 2744 Of 2015

- Maheshwar Singh S/o Chhatrapal Singh Aged About 33 Years
R/o Village Barpara P.S. & Tahsil Baikunthpur District Korea
Chhattisgarh Working On The Post Of Ward Boy Contract Basis
Primary Health Center Mansukh Balock Baikunthpur District
Korea Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through- The Secretary, Department Of
Public Health And Family Welfare Mahanadi Bhawan, New
Raipur, Distt.- Raipur (Chhattisgarh)
2. The Director Health Service Indrawati Bhawan New Raipur
District Raipur Chhattisgarh
3. Chief Medical And Health Officer Baikunthpur, District Korea
Chhattisgarh
4. Block Medical Officer Primary Health Center Mansukh Block
Baikunthpur District Korea Chhattisgarh

---- Respondent

And

WPS No. 2754 Of 2015

- Smt. Usha Chouhan W/o Ramesh Couhan, Aged About 35 Years,
C/o Ramesh Sai Sonwani School Para Sonhat P.S. & Tahsil Sonhat.
Distt. Korea (Chhattisgarh) Working On The Post Of Fourth
Grade Contract Basis Community Health Center Sonhat District
Korea (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Department Of
Public Health And Family Welfare Mahanadi Bhawan New
Raipur District Raipur (Chhattisgarh)
2. The Director Health Services Indrawati Bhawan New Raipur
District Raipur Chhattisgarh

3. Chief Medical And Health Officer Baikunthpur, District Koriya Chhattisgarh
4. Block Medical Officer Community Health Center Sonhat District Koriya Chhattisgarh

---- Respondent

And

WPS No. 2756 Of 2015

- Bijendra Lal S/o Jagbandhan Prasad, Aged About 37 Years, R/o Village -Mansukh P.S. & Tahsil- Baikunthpur District- Korea (Chhattisgarh) Working On The Post Of Ward Boy, Contract Basis Primary Health Center Bacharapodi Khadgaon, District- Korea (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through - The Secretary, Department Of Public Health And Family Welfare, Mahanadi Bhawan, New Raipur District- Raipur (Chhattisgarh)
2. The Director Health Services Indirawati Bhawan New Raipur District - Raipur (Chhattisgarh)
3. Chief Medical And Health Officer Baikunthpur District- Korea (Chhattisgarh)
4. Block Medical Officer Primary Health Center Bacharapodi Khadgaon, District - Korea (Chhattisgarh)

---- Respondent

And

WPS No. 2757 Of 2015

- Jai Kumar S/o Shri Indraman Aged About 42 Years R/o Village- Tendua, Police Station- Patna, Tahsil- Baikunthpur, District Korea (Chhattisgarh) Working On The Post Of Ward Boy Contract Basis, Primary Health Center, Balbahara Block- Baikunthpur District Korea (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh, Through- The Secretary, Department Of Public Health And Family Welfare Mahanadi Bhawan New Raipur District- Raipur (Chhattisgarh)

2. The Director, Health Services Indrawati Bhawan New Raipur, District Raipur (Chhattisgarh)
3. Chief Medical & Health Officer, Baikunthpur, District- Korea (Chhattisgarh)
4. Block Medical Officer Primary Health Center Belbahara Block- Baikunthpur District- Korea (Chhattisgarh)

---- Respondent

For Petitioners	Mr. A.N. Pandey, Advocate
For Respondent /State	Mr. SP Kale, Dy. AG

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

11/5/2017

1. Heard.
2. The petitioners have preferred these writ petitions seeking direction to the authorities to reconsider their claim for contract appointment on the post of Ward Boy.
3. In the course of hearing, learned counsel for the petitioners would inform that the respondents have issued fresh advertisement in November 2016 for making regular recruitment on the post of Ward Boy, however, he is not aware as to whether the said recruitment process is over or not.
4. It is the settled law that a contract appointee has no right to claim the post nor any such appointment can be regularized in view of the law laid down by the Supreme Court in the matter of **Secretary, State of Karnataka & others vs. Umadevi (3) & others, (2006) 4 SCC 1.**

5. Even otherwise, the petitioners' services have come to an end on completion of contract period in view of Rule 11(4) of the *Chhattisgarh Civil Sewa (Samvida Niyukti) Niyam, 2012*, which provides that a contract appointment shall stand terminated automatically on expiry of the period of contract appointment and there shall be no need to issue separate order terminating the service. The respondents have not terminated the petitioners by casting stigma. It has come to an end by efflux of time.
6. The petitioners having no right to hold the post, a mandamus cannot be issued to reconsider their case for re-appointment and more so, when the Department has already proceeded to fill up the post by regular recruitment.
7. However, if the petitioners have applied pursuant to the fresh advertisement and the recruitment process is not over, their case may be considered by the respondent authorities by granting age relaxation looking to the length of contract service and as per the extant rules (See: **Harminder Kaur and others Vs. Union of India and others, (2009) 13 SCC 90**).
8. For the forgoing, the writ petitions are dismissed, subject, however, to the observations concerning age relaxation to the petitioners.

Sd/-

Judge

(Prashant Kumar Mishra)