

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.6608 OF 2018**

Mithlesh Malviya D/o Shri R.D. Malviya, Aged About 30 Years R/o House No. 73, In Front of Church, Ward No. 16, Nawapara, Ambikapur, District Sarguja Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The Commissioner, Mahatma Gandhi National Rural Employment Gurantee Scheme, Raipur Chhattisgarh.
3. The Collector-Cum-District Coordinator (Mnrega), Sarguja Chhattisgarh.
4. The Chief Executive Officer, Jila Panchayat Sarguja Chhattisgarh.
5. The Chief Executive Officer, Janpad Panchayat Ambikapur, District Sarguja Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Rishi Rahul Soni, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.10.2018

1. Challenge in the present writ petition is to the discontinuance of the petitioner from the post of Assistant Technician (Contractual).
2. Grievance of the petitioner is that after having put in about 5-6 years of continuous service on contractual basis, the respondents have abruptly discontinued the services of the petitioner.
3. Perusal of record reveals that the service of the petitioner stood discontinued on completion of the contract period.
4. Given the said fact, there cannot be an indefeasible right created in favour of the petitioner for issuance of appropriate writ by the High Court under Article 226 of the Constitution of India for continuity in service. This power is vested solely with the employer i.e. the State Government.
5. Given the said fact, the petitioner is directed to approach the authorities by making a suitable representation in this regard and the respondents in turn may decide the same in accordance with the rules governing the field.
6. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy
Judge