

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.719 of 2017

Dr. Hemant Kumar, Son of Late Dinesh Prasad Singh, resident of Chanakya Vihar Phase - II, P.S. Rupaspur, District - Patna

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Home Affairs, New Delhi
2. The Director General, Sashastra Seema Bal, East Block - V, R.K. Puram, New Delhi 110066
3. The Assistant Director (PERS - I), FHQ, East Block - V, R.K. Puram, New Delhi
4. The Commandant, 27th Bn. Shastra Seema Bal, Jhapaha, Muzaffarpur, Bihar

... .. Respondent/s

Appearance :

For the Petitioner	: Mr. Dinu Kumar, Advocate. Mr. Arvind Kumar Sharma, Advocate. Ms. Kumari Neha, Advocate.
For the UOI	: Mr. A. K. Pandey, SCG 2 Mr. Ravinder Kumar Sharma, CGC.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-01-2019

Heard learned counsel for the petitioner and the State.

2. The petitioner, who is an MBBS Doctor has challenged the order dated 07.12.2016 passed by the Assistant Director, (PERS-1), FHQ, East Block-V, R.K. Puram, New Delhi whereby the extension of the contractual period of employment of the petitioner as a doctor beyond 10.12.2016 has been refused.

3. During the pendency of this writ petition, a further order was passed, blacklisting the petitioner and debarring him from ever participating in the walk-in-interviews for "Shashtra Seema Bal".



4. The petitioner was appointed after an interview on the post of General Duty Medical Officer (hereinafter called 'GDMO') on contract basis. The upper age limit for appointment was fixed at 65 years, which was later extended to 67 years. The initial appointment was for a period of three years which was renewable/extendable for a further period of two years but only for one year at a time. The petitioner served the "Sashastra Seema Bal" for the first contractual term of three years whereafter his services were extended for another year.

5. However before the second extension, it is the case of the petitioner that the Commandant, "Sashastra Seema Bal", with *mala fide* intention reported against him and alleged acts of indiscipline and misbehaviour.

6. Without affording any opportunity to the petitioner, further extension has been refused.

7. However considering the fact that it is only a contractual appointment and the extension has to be to the satisfaction of the employing authority, this Court does not wish to go into the question of *mala fides*.

8. In any view of the matter, the order by which the petitioner has been blacklisted and has been debarred in future for appearing in any such walk-in-interview for the purposes of his appointment, cannot at all be countenanced. The reason for saying so is that no



opportunity was served upon the petitioner for explaining his cause and such debarment would have the cascading effect on the career of the petitioner in future.

9. Apart from this, Mr. Dinu Kumar, learned counsel for the petitioner has shown to this Court that the petitioner had worked to the fullest capacity which was appreciated by all and sundry and in token of such appreciation, he was awarded a number of times.

10. Be that as it may, this Court refrains from passing any order directing the respondent to grant extension to the petitioner as it is purely in the domain and discretion of the appointing authority.

11. Nonetheless the order by which the petitioner has been debarred from appearing in further walk-in-interview after blacklisting him is set aside.

12. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.01.2019
Transmission Date	

