

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 270 of 2019

Smt. Rajkumari Jatwar W/o Shri Chetan Das Jatwar Aged About 39 Years Earlier Posted As Shiksha Karmi Grade- III, At Minimata Kanya Ashram, Gandhi Nagar, Dharampura, District Mungeli, Chhattisgarh, R/o Village Ameri, Tahsil- Takhatpur, District- Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur, Chhattisgarh
2. Director, Directorate Of Public Instructions Indrawati Bhawan, 1st Floor, C-Block Naya Raipur, Chhattisgarh
3. District Education Officer, Mungeli District- Mungeli, Chhattisgarh
4. Assistant Commissioner, Tribal Development, Mungeli, District- Mungeli, Chhattisgarh
5. Chhattisgarh Harijan Sevak Sangh Through Its Secretary, Aminpara Raipur, District- Raipur, Chhattisgarh

---Respondents

For Petitioner	:	Mr. Ashutosh Mishra, Advocate
For State	:	Ms. Sunita Jain, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/01/2019

1. The challenge in the present writ petition is to the order Annexure P/1, dated 01.12.2018, whereby the services of the petitioner has been discontinued by the respondent No.5.
2. The reasons assigned for discontinuance of service was that the respondent/State has not granted approval/sanction to the appointment of the petitioner made by the respondent No.5. It also reveals that for want of proper sanction and approval, the petitioner also could not be paid salary for a period of roughly 16 months. The order also shows that since the respondent No.5 was unable to provide salary to the petitioner, they were left with no other option, but to discontinue the services of the petitioner.

3. From the perusal of the record it appears that, the appointment of the petitioner was right from its inception purely temporary basis. The said appointment did not receive the approval and sanction from the Collector or for that matter from the competent authority. For want of the appeal and sanction, if the respondent No.5 has discontinued the services of the petitioner, the same cannot be said to be either bad in law or arbitrary.
4. In the order itself, reason has been assigned. It is not a case where the services of the petitioner have been discontinued on account of any unsatisfactory work or for that matter, the petitioner having committed a misconduct, neither can the order termed to be a stigmatic order. Under the circumstances, this Court does not find any strong material available for grant of the relief, that the petitioner has sought for.
5. The reluctance of this Court in entertaining the writ petition would not preclude the petitioner from approaching the higher authorities in the department for ventilating his grievances and also for re-engagement of his service after due approval/sanction being obtained by the concerned authorities.
6. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge