

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 662 of 2019

1. Jai Narayan Sarthi S/o Shri Ram Lal Sarthi, Aged About 28 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health Center Saraipali, Block Tamnar, District Raigarh, R/o Village Sondka, Block Kharsiya, District Raigarh, Chhattisgarh.
2. Arvind Kumar Agrawal S/o Shri Rajesh Kumar Agrawal, Aged About 35 Years, Presently Posted As M.L.T. (Lab Technician) Health Center Pathariya, Block Mungeli, Chhattisgarh.
3. Rameshwari Devi Kouram D/ Shri Bhawanr Singh Kouram, Aged About 29 Years, Presently Posted As M.L.T. (Lab Technician) At Community Health Center Churiya, Block Churiya, District Rajnandgaon, Chhattisgarh.
4. Gopesh Kumar Sahu S/o Shri Manharan Lal Sahu, Aged About 29 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health Center Umarwahi, Block Churiya, District Rajnandgaon, Chhattisgarh.
5. Smt. Sunita Verma W/o Shri Himanchal Verma, Aged About 36 Years, Presently Posted As M.L.T. (Lab Technician) At Community Health Center Gandai, Block Chuikhadan, District Rajnandgaon, Chhattisgarh.
6. Hitendra Kumar Verma S/o Shri Kumar Das Verma, Aged About 35 Years, Presently Posted As M.L.T. (Lab Technician) at Primary Health Center Charbhata, Block Dongargarh, District Rajnandgaon, Chhattisgarh.
7. Ku. Vaishali Borkar D/o Shri Madan Borkar, Aged About 35 Years, Presently Posted As M.L.T. (Lab Techniician) At Community Health Center Dongargarh, Block Dongargarh, District Rajnandgaon, Chhattisgarh.
8. Mohendra Kumar Sahu D/o Shri Tirith Ram Sahu, Aged About 28 Years, Presntly Posted As M.L.T. (Lab Technician) at Community Health Center Chhura, Block Chhura, District Gariyaband, Chhattisgarh.
9. Ku. Kavita Sahu D/o Shri Homlal Sahu, Aged About 23 Years, Presently Posted As M.L.T. (Lab Technician) At Urban Primary Health Center Motipur, Block Rajnandgaon, District Rajnandgaon, Chhattisgarh.
10. Dinesh Kumar Sinha S/o Shri Chunu Ram Sinha, Aged About 29 Years, Presently Posted As M.L.T. (Lab Technician) at Primary Health Center Markamtola, Block Khairagarh, District Rajnandgaon, Chhattisgarh.

---Petitioners

Versus

1. State Of Chhattisgarh, Through The Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Mantralaya, Atal Nagar, Naya Raipur, Chhattisgarh.
2. Director, Directorate Of Health Service, Indrawawati Bhawan, Flore No. III, Block A, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
3. Commissioner, Office Of Directorate Of Health Service, Indrawati Bhawan, Flore No. III, Block A, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.

---Respondents

For petitioners	:	Shri J.N.Nande, Advocate.
For State	:	Shri A.N.Bhakta, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01/02/2019**

1. The present Writ Petition has been filed assailing the advertisement dated 29/12/2018. The challenge is in respect of the post of Lab Technician issued by the respondents. The advertisement is in respect of direct recruitment on regular basis being made by the State Government.
2. The sole ground for contesting the instant Writ Petition is that, the petitioners are working with the respondents on contractual basis since long and as such they should have been provided some sort of preferential treatment or some extra weitage could had been given to them for the experience that they had gained.
3. The said ground raised by the counsel for the petitioners is not sustainable for the reason that, it is a case where the substantive appointment of the petitioners were on contractual basis. The petitioners at the time of their engagement itself were well aware of the nature of their

employment. The terms and conditions of the contractual engagement itself specifically mentioned that, they would not be entitled for any extra benefit in respect of the contractual service that they have rendered.

4. Moreover, merely because the petitioners have worked in contractual capacity by itself would not give an indefeasible right in favour of the petitioners particularly when the advertisement under challenge is one which has been initiated by way of direct recruitment on regular basis.

5. It is not a case of the respondents that they are replacing the petitioners by another set of contractual employees. The intention of the State Government is to fill-up the vacancies on regular basis in accordance with the service rules governing the field.

6. In view of the same, this Court does not find any illegality on part of the respondents in issuance of the advertisement.

7. However, as far as the relief sought for by the petitioners is concerned, they would be at liberty to approach the respondents by making a suitable representation for ventilating their grievance. If such representations are made, the authorities may consider the same in accordance with the rules and regulations governing the field.

8. The Writ Petition accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
JUDGE