

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1886 of 2019

1. Surendra Kumar Rajwade S/o Shri Kunte Ram Rajwade, Aged About 28 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health Center Bartikala, C.H.C. Wadrafnagar, District Balrampur, Chhattisgarh. R/o Village Chathirma, Post Latori, Tahsil Ambikapur, District Surguja Chhattisgarh.
2. Purshottam Ram Sahu S/o Shri Lalan Ram Sahu, Aged About 28 Years, Presently Posted As M.L.T. (Lab Technician), At P.H.C. Murkol, Community Health Center Wardafanagar, District Balrampur, Chhattisgarh.
3. Kameshwar Yadav S/o Shri Triveni Yadav, Aged About 24 Years, Presently Posted As M.L.T. (Lab Technician), At P.H.C. Ramchandrapur, Community Health Center Ramanujganj, District Balrampur Chhattisgarh.
4. Krishna Kumar Kahsyap S/o Shri Ram Prasad Kashyap, Aged About 26 Years, Presently Posted As M.L.T. (Lab Technician), At Primary Health Center Wadrafnagar District Balrampur, Chhattisgarh.
5. Amit Kumar Sahu S/o Shri Nanku Ram, Aged About 29 Years, Presently Posted As M.L.T. (Lab Technician), At Primary Health Center Sulsuli, Community Health Center Wardrafnagar, District Balrampur Chhattisgarh, District Rajnangaon, Chhattisgarh.
6. Awadhesh Kumar Yadav S/o Shri Ram Kishan Yadav, Aged About 28 Years, Presently Posted As M.L.T. (Lab Technician), At Primary Health Center Bharatpur, Community Health Center Shankargarh, District Balrampur Chhattisgarh.
7. Bhojraj Rajwade S/o Shri Janki Ram Rajwade, Aged About 30 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health Center Samari Community Health Center Kushami, district Balrampur Chhattisgarh.
8. Manish Kumar S/o Shri Mohan Ram, Aged About 26 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health Center Chando, Community Health Center Kushami, District Balrampur Chhattisgarh.
9. Bhupendra Kumar Sahu S/o Shri S.K.Sahu, Aged About 28 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health Center Dasrangpur, Community Health Center Mungeli, District Mungeli Chhattisgarh.
10. Smt. Neha Pandey W/o Shri Satya Sawaroop Pandey, Aged About 30 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health

Center Domarkala Community Health Center Balrampur, District Balrampur Chhattisgarh.

11. Ku. Deepika Paikara, D/o Shri Santosh Paikara, Aged About 28 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health Center Raghunathnagar, Community Health Center Wadraf Nagar, District Balrampur Chhattisgarh.
12. Smt. Nikhat Parween W/o Shri Mohammad Sajid, Aged About 32 Years, Presently Posted As M.L.T. (Lab Technician) At Primary Health Center Batara, Community Health Center Bhailyathan ,district Surajpur 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	:	Ms. Shriya Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

15/03/2019

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.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE