

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4883 of 2019

Smt. Vidya Pandey W/o Shri Dev Kumar Pandey, Aged About 40 Years, R/o Village And Post Vimda, Tahsil Bagicha, District Jashpur, Chhattisgarh

---- Petitioner

Versus

1. Rashtriya Sanskrit Sansthan (Deemed University), 56-57, Institutional Area, D- Block, Janakpuri, New Delhi-110058 Through Its Competent Authority
2. The Secretary, Sanskrit Vidyamandal, Raipur, Chhattisgarh
3. The Collector, District Jashpur, Chhattisgarh
4. The District Education Officer, Jashpur, District Jashpur, Chhattisgarh
5. The Principal, Shri Rameshwar Gahira Guru Sanskrit High/ Middle School, Samarbar, District Jashpur, Chhattisgarh
6. The Secretary, Shri Rameshwar Gahira Guru Sanskrit High/ Middle School, Samarbar, District Jashpur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. D. N. Prajapati, Advocate.
For Respondent no.2	:	Mr. Vipin Tiwari, Advocate
For Respondents 3 & 4	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/07/2019

1. The challenge in the present writ petition is to the order Annexure P-1 dated 29.03.2019 whereby respondent no.5 has discontinued the services of the petitioner.

2. The contention of the counsel for the petitioner is that the petitioner was appointed on ad hoc basis in the year 2007 and now the impugned order has been passed discontinuing the services of the petitioner.
3. The apprehension that the petitioner has raised is that there is all likelihood that the respondent no.5 may replace the petitioner by another set of ad hoc teacher which is detrimental to the interest of the petitioner.
4. However, the petitioner has not brought on record any such order and at the same time, the impugned order Annexure P-1 clearly shows that respondent no.5, while issuing Annexure P-1 had specifically mentioned that the petitioner's service would be given priority and preference in the event the services of ad hoc teachers are required in the new session.
5. Counsel for respondent no.2, at this juncture, submits that as per his instruction that he has received, the discontinuance has been made perhaps with an intention of going in for regular appointment by respondent no.5 establishment.
6. Given the said submission made by the counsel on either side and on perusal of the record, so far as Annexure P-1 is concerned, definitely the petitioner as of now may not have an indefeasible right against the discontinuance of her service as her appointment substantively was on ad hoc basis. However, respondent no.5 should not be permitted to replace the services of the petitioner by another set of ad hoc teachers for the reason that Annexure P-1

specifically reflects that respondent no.5 has found the services of the petitioner to be outstanding and valuable.

7. Given the facts, this Court is of the opinion that the writ petition itself can be disposed of with a direction that if the respondent no.5 intends to take the service of the teachers on ad hoc basis, the petitioner should be granted preferential treatment considering her past services that she had rendered. However, respondent no.5 would not be precluded from going in for regular appointment afresh wherein also the petitioner, if she is eligible, can participate for regular appointment.
8. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Khatai