

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5055 of 2019**

1. Pratima Kannojiya W/o Shri Sunil Kumar Rajak, Aged About 25 Years
R/o Kadampur, Pratapur, Tehsil - Pratapur, District Surajpur
Chhattisgarh
2. Doleshwari W/o Shri Kalinder Rajwade, Aged About 29 Years, R/o
Majhapara, Telaikachhar, Surajpur, Jainagar, Chhattisgarh, 497226

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health
And Family Welfare, Government Of Chhattisgarh, Mantralaya,
Mahanadi Bhawan, Atal Nagar, New Raipur, Chhattisgarh
2. The District Collector, District Surajpur, Chhattisgarh
3. The Director, Directorate Of Health Services, Government Of
Chhattisgarh, Indravati Bhawan, Atal Nagar, New Raipur,
Chhattisgarh
4. Chief Medical And Health Officer, District Surajpur Chhattisgarh
5. Block Medical Officer, Pratapur, District Surajpur, Chhattisgarh
6. Chief Executive Officer, Jila Panchayat, District Surajpur, Chhattisgarh

---- Respondents

For Petitioners	:	Shri Ramakant Mishra with Shri Sangeet Ku. Kushwaha, Advocates.
For State	:	Shri P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

10.07.2019

1. The petitioners through the present writ petition have challenged the order dated 22.06.2019 passed by the respondents whereby the services of the petitioners as ANM on contract basis have been discontinued until further order.
2. Contention of the counsel for the petitioners is that on the one hand the respondents have discontinued the services of the petitioners and at the same time they have already issued an advertisement on 21.08.2018 for filling up of the same post of ANM again on contract basis. He submits that the services of the petitioners were satisfactory and there has been no complaint whatsoever made against them in the course of discontinuance of their duty. Thus, if the respondents had work, they should have granted extension of contract to the petitioners rather than going in for a fresh recruitment process periodically. The petitioners fulfill all the eligibility criteria required for the said post and they had already subjected to a selection process at one point of time. Therefore, unless their work is found unsatisfactory, the petitioners need not to undergo the same selection process every time and the same can be avoided by a simple extension order being granted by the State Government. Counsel for the petitioners further submits that no appointments have been made till now against the advertisement dated 21.08.2008 Annexure P-4.
3. Taking into consideration the fact that the petitioners have worked satisfactorily with the respondents in the past and the fact that the advertisement dated 21.08.2018 Annexure P-4 has not been acted

upon till now, prima facie, this Court is of the opinion that it is a fit case where an appropriate direction can be granted to the State Govt. Accordingly, it is directed that in case of availability of work and the department intends to engage contractual teachers, they should take the services of the petitioners first. This in other word means that the respondent State would not be permitted to substitute the petitioners by another set of contractual teachers. As and when the respondents would be required to take work at the place where the petitioners were working on contractual basis, they would be free to renew the contract of the petitioners further subject to the petitioners fulfilling the other requisite criteria that is required. It is made clear that this order would not preclude the respondents from going in for the regular recruitment for filling up the said post.

4. With the aforesaid observation, the writ petition stands disposed of.

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