HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No. 1680 of 2020

Pawan Diwakar ...Petitioner

Versus

State of Uttarakhand and others ….Respondents

Present:-

Mr. T.P.S. Takuli, Advocate for the petitioner.
Mr. P.S. Bisht, Additional Chief Standing Counsel for the State/respondent nos. 1, 2 and 3.

Hon'ble Ravindra Maithani, J. (Oral)

The respondent no.2 sought services of pharmacist, on outsource basis, from the respondent no.4. The petitioner was also recommended by the respondent no.4 for the post and the respondent no.2 approved, the deployment of the petitioner, on outsource basis, as a pharmacist. Subsequently, it was found that the petitioner had no diploma of pharmacy in Allopathic medicines. He had diploma in B.A.M.S (AYUSH). The respondent no.2 informed it to the respondent no.4 that they could not take services of the petitioner because he is not a diploma holder in Allopath Pharmacy and required the respondent no.4 to submit the documents of the persons deployed by him. This communication was made by the respondent no.2, on 26.11.2020. The petitioner has challenged this communications and sought directions to quash the communication dated 26.11.2020 made by the respondent no.2 to the respondent no.4 and also sought directions that the respondent no.2 may be directed to take work from the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner was appointed against vacant post by the respondent no.2 and now they are not taking any work from him. Hence, directions be issued so that the respondent no.2 may take work from the petitioner.

3. The Court put a simple question to learned counsel for the petitioner, as to what is the basis of the claim of the petitioner?

4. Learned counsel for the petitioner would submit that during COVID-19 pandemic, the petitioner rendered his services for three months, therefore, he should be permitted to work.

5. Admittedly, the petitioner was not appointed by the respondent no.2. The respondent no.2 communicated with the respondent no.4 for seeking deployment of pharmacists, on outsource basis. Petitioner was one of the candidates sponsored by the respondent no.4. The communication dated 26.11.2020, which is impugned, is not made to the petitioner by the respondent no.2, instead it is communicated to the respondent no.4. Whatever relationship is there with regard to the petitioner that is between respondent no.2 and the respondent no.4. The petitioner has never been in the employment of respondent nos.1, 2 or 3. Therefore, there is apparently no right vested in him to seek mandamus, directing the respondents to take work from him.

6. Accordingly, this Court is of the view that the petitioner has no case at all and the writ petition deserves to be dismissed.

7. The writ petition is dismissed.

(Ravindra Maithani, J.)
10.12.2020

Shubham