

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 350 of 2014

1. Kumar Baghel And Ors. S/o Lt Shri Pardesi Baghel Aged About 26 Years Earlier Posted As Cook, 100 Seater Girls Hostel, Podi Uproda, Block Podi Uproda, R/o New Kashi Nagar, Post And Thana And Tah Korba, Distt Korba, Chhattisgarh.
2. Bhagat Singh S/o S.Singh Aged About 33 Years Earlier Posted As Cook, 100 Seater Girls Hostel, Korba, Block Korba, R/o Village Kurri, Post Dadarkhurd, Thana Rampur, Tah Korba, Distt Korba, Chhattisgarh
3. Raj Kumar Khadiya S/o Shri Anandram Khadiya Aged About 37 Years Earlier Posted As Cook, 100 Seater Girls Hostel, Katghora, Block Katghora, R/o Village Shyahimudi, Post Gopalpur, Thana Darri, Tah. Katghora, Distt Korba, Chhattisgarh
4. Rameshwar Prasad Toppo S/o Shri Hirala Aged About 24 Years Earlier Posted As 100 Seater Girls Hostel, Katghora, Block-Katghora, R/o Village Dhanram, Post Jatga, Thana Pasan, Tah Podi Uproda, District : Korba, Chhattisgarh
5. Suresh Kumar Kashyap S/o Ramcharan Kashyap Aged About 36 Years Earlier Posted As 100 Seater Girls Hostel, Sendripali, Block Kartala, R/o Village Rivapar, Post Sohagpur, Thana Urga, Tah Kartala, District : Korba, Chhattisgarh
6. Radhe Shyam Bareth S/o Shri Mahettar Ram Aged About 30 Years Earlier Posted As 100 Seater Girls Hostel, Podi Uproda, Block Podi Uproda, R/o Village Navapara, Post Kothati, Thana Urga, Tah Kartala, District : Korba, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt Raipur, Chhattisgarh.
2. The Collector-Cum-District Mission Director Rashtriya Madhyamik Shiksha Mission, Korba, Distt Korba, Chhattisgarh.
3. District Education Officer & District Project Officer, Rashtriya Madhamik Shiksha Mission, Korba, District : Korba, Chhattisgarh.

---Respondents

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Writ Petition (S) No. 351 of 2014

1. Vyasnarayan S/o Sakha Ram Aged About 27 Years Earlier Posted As Chowkidar, 100 Seater Girls Hostel, Katghora, R/o Village Sumedha, PO Balgi Project, Ps Banki Mongra, Tah Katghora, Distt Korba, Chhattisgarh
2. Kranti Prasad Yadav S/o Ramcharan Yadav Aged About 43 Years Earlier Posted As Chowkidar, 100 Seater Girls Hostel, Katghora, R/o Irrigation Colony, Darri, Po Jamnipali, Ps Darri, Tah Katghora, District : Korba, Chhattisgarh
3. Ramkumar Neti S/o Mahesh Ram Neti Aged About 34 Years Earlier Posted As Chowkidar, 100 Seater Girls Hostel, Mungadih Pali, R/o Village Karichhapur Palmi, Po Silli, Ps Pali, Tah Pali, Distt Korba, Chhattisgarh

4. Jaiprakash Diwan S/o Nain Das Diwan Aged About 29 Years Earlier Posted As Chowkidar, 100 Seater Girls Hostel, Korba, R/o Village Phulsar Korbi, Po Korbi, Ps Psan, Tah Podi Uroda, District : Korba, Chhattisgarh
5. Raghuveer Singh Kanwar S/o Amar Singh Kanwar Aged About 24 Years Earlier Posted As Chowkidar, 100 Seater Girls Hostel, Sendripali, R/o Village Banjari, PO Kothari, PS Urga, Tah Kartala, District : Korba, Chhattisgarh

---Petitioner(s)

Versus

1. State of Chhattisgarh Through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Distt Raipur, Chhattisgarh.
2. The Collector-Cum-District Mission Director Rashtriya Madhyamik Shiksha Mission, Korba, Distt Korba, Chhattisgarh.
3. District Education Officer & District Project Officer, Rashtriya Madhamik Shiksha Mission, Korba, District : Korba, Chhattisgarh.

---Respondents

For Petitioners	:	Shri Harshmandar Rastogi, Advocate.
For State	:	Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.02.2021.

1. Challenge in both these writ petitions is in respect of the discontinuance of services of the petitioners vide Annexure P/1 dated 26.12.2013.
2. The perusal of record would show that initial engagement of the petitioners were against the post of Cook and Chowkidar at 100 Seater Girls Hostel at district Korba. The order of appointment of the petitioners itself clearly reflected that they were engaged purely on temporary/adhoc basis at the Collector rate wages. In the order of appointment itself it was specifically mentioned that the services of the petitioners could be discontinued by the respondents at any point of time and for which no notice also would be required. The reason for discontinuance of the services of the petitioners has been the policy decision of the State Govt. to ensure that no Girls Hostel would hence forth have male Cooks and male Chowkidars. Further, from the pleadings in the writ petition it appears that the said policy decision of the State Govt. was in the light of some untoward incident that

occurred in one of the Girls Hostel at District Kanker and therefore the government took a decision to discontinue the services of all male Cooks and male Chowkidars from all Girls Hostel in the State of Chhattisgarh which has resulted in discontinuance of the services of the petitioner.

3. Taking into consideration the very fact that the initial appointment of the petitioners were purely temporary/adhoc basis, this court is of the opinion that as such no indefeasible right was created in favour of the petitioners. Moreover, there is no stigma casted against the petitioners on their services being discontinued. Another fact which needs consideration is the fact that the decision of discontinuance has been on a policy decision that was taken by the State Govt. As regards the policy decision, the same cannot be said to be in any manner arbitrary or malafide for the reason that the same has been taken taking into consideration the untoward incidents that occurred in one of the girls hostel so as to avoid recurrence of such incidents again at different girls hostel in the State.
4. For all the aforesaid reasons, this court is of the opinion that no strong case is made out by the petitioners calling for an interference with the impugned order of discontinuance. As regards the experience that the petitioners have gained, the petitioners would be at liberty to approach the authorities on the administrative side by moving appropriate application to consider their experience and accommodate them in case if the services of the petitioners would be required at any other place other than Girls Hostel.
5. With the aforesaid observations, both the writ petitions stand disposed of.

Sd/-
(P. Sam Koshy)
Judge