

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6896 of 2010

- Smt. Ganga Bai Prajapati W/o Shyamnarayan Prajapati, aged about 28 years, R/o Village Rajapur Gelharipara, P.S. Jainagar, Tahsil Surajpur, Distt. Surguja C.G.

----- Petitioner

Versus

- 1.State of Chhattisgarh through the Secretary, Department of Health & Family Welfare, D.K.S. Bhawan, Raipur, C.G.
- 2.The Chief Medical & Health Officer, Ambikapur, District Surguja, C.G.
- 3.The Block Medical Officer, Community Health Center, Surajpur, District Surguja, C.G.
- 4.The Area Coordinator (Mitani Program) Block Surajpur, District Surguja, C.G.

----- Respondents

For Petitioner :- Mr. Ashok Kumar Shukla, Adv.
For State/Respondent :- Mr. Avinash Singh, PL

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

28/07/2021

- 1.Proceedings of this matter have been taken

up through video conferencing.

2. Learned counsel for the would submit that petitioner was working on the post of Mitnin (Trainer) and by the impugned order dated 30.07.2010 she has been terminated without affording any opportunity of hearing and without giving opportunity to make representation to defend herself which is in violation of principle of natural justice and, therefore, the impugned order is liable to be set aside.

3. Mr. Avinash Singh, learned State counsel, would submit that looking to the complaint and on the basis of inquiry conducted by Coordinator, petitioner's services has been terminated.

4. I have heard learned counsel for the parties, considered their rival submissions herein-above and went through the records with utmost circumspection.

5. It is not in dispute that petitioner was working on the temporary post of

Mitanin(Trainer) and she has been terminated after conducting an inquiry which was conducted on the basis of complaint but it appears that no opportunity was given to her to explain her case and to make representation to defend herself which is in violation of natural justice and she could not be terminated by order which is stigmatic in nature and accordingly the impugned order dated 30.07.2010 is hereby set aside. The matter is remitted to the Block Medical Officer, Surajpur, who will serve the notice to the petitioner and thereafter pass a fresh order within 30 days from the date of receipt of this order. The petitioner is at liberty to make additional representation, if any within 15 days from today.

6. The instant writ petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge