

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2207 of 2021

Gangaram Dhiwar S/o Shri Radhelal Dhiwar Aged About 28 Years R/o Village Goda, Post Sasaha, Tahsil And Police Station Palari , District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan , Mantralaya , Police Station And Post Rakhi, Atal Nagar, New Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Office Of Director , Department Of Health And Family Welfare , Indrawati Bhawan, Police Station And Post Rakhi , Atal Nagar, New Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Medical And Health Officer (CMHO) Office Of Chief Medical And Health Officer, Balodabazar , District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate along with Ms. Laxmeen Kashyap, Advocate
For State	:	Mr. Shreshta Gupta, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/04/2021

1. The counsel for the petitioner prays for an appropriate direction to the respondents directing the respondents not to discontinue the services of the petitioner, who had been appointed after a due selection process initiated by the respondents after an advertisement that was issued and after due scrutiny of the eligibility and credentials of the petitioner.
2. According to the petitioner, right from the time of his initial appointment on 16.07.2020, the respondents have been periodically

renewing the contractual appointment of the petitioner on three months basis inspite of the fact that the petitioner is fully competent, eligible and suitable for the said post.

3. According to the petitioner, the respondents meanwhile have already issued another advertisement and had made certain additional appointments and there is all likelihood that the petitioner's services can be discontinued and the respondents can go in for a fresh recruitment by replacing the petitioner by another set of contractual employees, detrimental to the interest of the petitioner, therefore the petitioner wants that the respondents be directed not to replace the services of the petitioner by another set of contractual employees, unless the respondents find the services of the petitioner to be unsatisfactory.
4. Considering the limited nature of grievance that the petitioner has and also taking note of the fact that the petitioner has been appointed after undergoing a due process of selection and the petitioner has been found suitable, which stands reflected from the periodical renewal, which the petitioner has been given. This Court is inclined to dispose of the writ petition keeping in mind the observations of this Court in the case of **“Manju Gupta & others v. State of Chhattisgarh & others” WPS No. 4406/2016** decided on 27.02.2017 directing the respondents that as against the posts on which the petitioner is discharging, the respondents are restrained from going in for any fresh recruitment to be made on contractual basis. In case if the respondents find that there are posts available and which have to be filled up by persons on contractual basis, the petitioner who has since been appointed on contractual

basis after undergoing a due process of selection can be retained till a regular appointment is made. This observation of this Court would not preclude the respondents from initiating recruitment process for appointment on regular basis in accordance with the Rules governing the field.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved