



W.P.(MD).No.16051 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.16051 of 2019

and

W.M.P.(MD).No.12757 and 14846 of 2019

R.Vijayambika

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Health and Family Welfare Department,
Secretariat,
St.George Fort,
Chennai – 9.
- 2.The State Tuberculosis Officer,
State Tuberculosis Office,
No.417, Panthion Road,
Egmore,
Chennai.
- 3.The District Collector / The Chairman,
Revised National Tuberculosis Control Programme,
District Collectorate Campus,
Nagercoil,
Kanyakumari District.



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4.The Deputy Director of Medical Services (Tuberculosis),
District Tuberculosis Center,
Government Medical College Campus,
Asaripallam,
Nagercoil,
Kanyakumari District.

5.V.P.Dorai

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned termination order passed by the fourth respondent in his proceedings in Ref.No.58/DHS-RNTCP/19 dated 20.06.2019 and quash the same as illegal.

For Petitioner	: Mr.M.Ajmal Khan Senior Counsel for M/s.Ajmal Associates
For R-1 to R-4	: Mr.M.Siddharthan, Additional Government Pleader,
For R-5	: Mr.M.Sathiamoorthy

ORDER

The petitioner herein, while serving as a District Programme Coordinator on a contractual basis for a period of 11 months, which was previously extended at the end of the contract completion of 11 months, was terminated through the



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impugned order, dated 20.06.2019, at the end of the contract of 11 months with effect from 20.06.2019.

2. The learned Senior Counsel appearing for the petitioner submitted that the fourth respondent herein is not the authority to dispense with the services of the petitioner and have also attributed mala fides owing to certain earlier complaints made by the petitioner against the fourth respondent herein.

3. The impugned order of termination is an order simplicitor, terminating the services of the petitioner, on completion of a contractual period of 11 months. The order of termination does not attribute any ill performance of duties of the petitioner. In other words, the contractual appointment of the petitioner has been dispensed with on her completion of the 11 months period with effect from 20.06.2019. The fourth respondent is a person, who had appointed the petitioner and therefore, he would have all the authority to dispense with the services of the petitioner herein. Hence, I do not find any illegality on the authority of the fourth respondent in dispensing with the services of the petitioner.



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4. Insofar as the ground of mala fides are concerned, it is not a case where the services of the petitioner were terminated during her period of contract. On the other hand, the services of the petitioner came to be dispensed with at the end of the contract and hence, reference to any previous complaints may not have any nexus to the present impugned order. Even otherwise, a contractual employee may not have an absolute right to claim extension of the contract, particularly when such an employee had accepted the terms of the contract at the time of appointment. Hence, I do not find any infirmity in the impugned order passed by the fourth respondent.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
Lm



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M.S.RAMESH, J.

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