

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-18452-2022 (O&M)
Date of Decision: 22.08.2022**

Rihan Raja

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Tarun Kumar, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 01.08.2022 (Annexure P-14), whereby services of the petitioner have been terminated.

2. On perusal of the record, it transpires that the respondents have adopted an objective criteria of making the performance of appraisal report as the basis for further continuation of services of the eligible candidates on contract basis and for the purpose, certain marks are awarded based on their performance while in service. Petitioner, having secured 36 marks as against the requisite 40 marks, has been held not eligible for further continuation

of his contract by the Mission Director of National Health Mission. In the premise, services of the petitioner have been discontinued and the same has not been extended further.

3. Be that as it may, the petitioner's services were hired on contract. The contractual employee has only very limited rights confined within the four corners of the contract of employment. It is the prerogative of an employer to continue and/or discontinue with the contractual services in terms of the contract. I am of the view that on the short ground of being a matter of contract, this Court ought not to exercise its extraordinary writ jurisdiction. However, qua overemphasis of the learned counsel for the petitioner that no prior show cause notice has been issued and/or any inquiry conducted before the impugned order is passed, it is observed that the same in no manner can be treated as stigmatic. Being so, there was no requirement on the part of the respondents to conduct any departmental inquiry. Further there is nothing on record to show that any candidate, who secured less than 40 marks, has been given undue benefit and has been allowed to continue further.

4. Accordingly, the petition is disposed of with liberty to the petitioner to seek alternative civil remedy as may be advised and available in law.

5. Pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

August 22, 2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No