

Sr. No. 211

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

CWP-22169-2020

Date of decision: 24.02.2022

Naveeta Boora

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vijay Pal, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to quash the impugned order dated 14.12.2020 (Annexure P-22) vide which her services were terminated from the post of Microbiologist.

2. Learned counsel for the petitioner submits that respondent No.3 issued an advertisement dated 10.08.2020 (Annexure P-4) whereby different posts were advertised under National Health Mission on contract basis for the period up to 30.11.2020 and likely to be extendable further on performance basis and administrative approval. In the said advertisement, one post of Microbiologist General Category for COVID was also advertised. Petitioner applied for the post of Microbiologist and appeared before the Interview Committee on 19.08.2020. On 21.08.2020, the petitioner was engaged and was posted at IDSP Branch Office of Civil Surgeon, Charkhi Dadri. She had also worked as Microbiologist in the Microbiology Department of Agility Biotech Private Limited, New Delhi from 01.04.2019 to 30.04.2020. Respondent No.3 wrote a letter to the Nodal

by Sub-Divisional Officer (Civil) Charkhi Dadri on 15.12.2020 whereby it was found that some samples of Covid were not being sent to the concerned laboratory and old samples were found in a lot of quantity. Both were directed to submit their written reply. Petitioner submitted her reply whereby she explained her position. Respondent No.3 issued a show-cause-notice dated 10.12.2020 (Annexure P-18) to the petitioner. He submits that petitioner submitted her detailed reply to the show-cause-notice, but to no avail.

3. Learned counsel for the petitioner contends that though the petitioner was appointed on contractual basis but the termination order is on account of the negligence of duty and thus is stigmatic. He further contends that the petitioner would have to be given necessary opportunity as such to rebut the allegations made against her after following the proper procedure.

4. Learned State counsel appears on advance service and strenuously opposes the petition. He submits that impugned order has been passed after following due procedure.

5. I have heard learned counsel for the parties and perused the paper book.

6. Given the serious nature of charges levelled against the petitioner which were though duly responded, but found unsatisfactory, the same cannot be adjudicated on the basis of affidavits under extraordinary writ jurisdiction. However, petitioner is at liberty to seek alternative appropriate civil remedy as may be available to her.

7. As regards the other argument of learned counsel for the petitioner that before passing the impugned order in case the response was found unsatisfactory, respondents ought to have been conducted a regular departmental inquiry against the same, I am not in agreement with the same

since the appointment letter of the petitioner itself envisages that her extension in the first year of service was subject to satisfactory performance which was akin to the probation period and it is settled position in law that a probationer's services can be dispensed with without conducting an inquiry. In any case, it is not a case that services of the petitioner though on probation were summarily dispensed with, it was only after following due procedure by conducting a departmental inquiry in which panel of three physicians were made as members of inquiry committee and pursuant thereto based on the recommendations rendered therein, impugned order has been passed and in case the petitioner is aggrieved qua findings of the inquiry as already observed, she may seek appropriate civil remedy.

8. Dismissed.

(ARUN MONGA)
JUDGE

February 24, 2022

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No