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JYOTI SHARMA Digitally signed by JYOTI SHARMA Date: 2026.10.08 10:39:38 +0530

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6487 of 2026

Tanuja Verma D/o Naresh Kumar Aged About 28 Years R/o Ward Number 04, Oteband Durg District Durg, Chhattisgarh Formerly Serving As A Nursing Officer Under The National Heath Mission At District Hospital (Mental Health Unit) Durg

--- **Petitioner(s)**

versus

1. State Of Chhattisgarh Through The Principal Secretary Department Of Health And Family Welfare Mantralaya Mahanadi Bhawan Naya Raipur, Chhattisgarh

2. Director Health Services Directorate Of Health Services Atal Nagar Raipur Chhattisgarh,

3. Secretary Department Of Health And Family Welfare Mantralaya Mahanadi Bhawan Atal Nagar Naya Raipur Chhattisgarh,

4. Mission Director National Health Mission (N H M) Health Building Sector -19 Naya Raipur, Atal Nagar, Chhattisgarh,

5. Deputy Director National Health Mission (N H M) Heath Building Sector - 19, Naya Raipur Atal Nagar, Chhattisgarh.

6. Chief Medical And Health Officer (C H M O) Durg District- Durg (C.G.)

--- **Respondent(s)**

WPS No. 6491 of 2026

Jageshwari Devi W/o Devanand Deshmukh, Aged About 37 Years R/o House No. 266, Ward Number 20, Changori, Anjora, Durg, District Durg, Chhattisgarh, Formerly Serving As A Nursing Officer Under The National Health Mission At District Hospital (Mental Health Unit), Durg.

---**Petitioner(s)**

Versus

1. State Of Chhattisgarh Through The Principal Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, C.G.

2. Director Health Services, Directorate Of Health Services, Atal Nagar, Raipur, C.G.

3. Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur (C.G.)

4. Mission Director, National Health Mission (N H M), Health Building, Sector- 19, Naya Raipur, Atal Nagar, C.G.

5. Deputy Director, National Health Mission (N H M), Health Building, Sector - 19, Naya Raipur, Atal Nagar, C.G.

6. Chief Medical And Health Officer (C M H O), Durg, District Durg, (C.G.)

--- **Respondent(s)**

For Petitioner	: Mr. Shrikant Kaushik, Advocate
For Respondent/ State	: Mr. Anandi Sharma and Sakshi Bajpai, P.L.
For Respondents No. 4	: Mr. Kaushal Yadav, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

07/10/2026

1. Learned counsel for the petitioners submits that the petitioners were appointed as Nursing Officers under the National Health Mission, Chhattisgarh, on contractual basis at District Hospital (Mental Health Unit), Durg. It is further submitted that, vide impugned order dated 26.06.2026, the services of the petitioners have been terminated. Learned counsel submits that the impugned order has been passed in violation of Clauses 33.1 to 33.5 of the Human Resource Policy, 2018, without conducting a fair and proper enquiry and without duly considering the defence of the petitioners. It is further submitted that the enquiry committee should have been constituted by the employer/ Cheif Medical and Health Officer (CMHO) but instead the Collector, Durg has done

enquiry. He further submits that allegations of gross negligence and misconduct are stigmatic in nature and, therefore, termination without compliance with the principles of natural justice is unsustainable in law.

2. On the last date of hearing, learned State counsel was directed to seek instructions and file a reply specifically stating whether the procedure prescribed under Clause 33.2 of the Human Resource Policy, 2018, had been duly followed.

3. In compliance thereof, learned State counsel, while filing the reply, submits that the petitioners were appointed as Nursing Officers under the National Health Mission, Chhattisgarh, on contractual basis at District Hospital (Mental Health Unit), Durg, and their services are governed by the Human Resource Policy, 2018. It is submitted that, as per Clause 26 of the said Policy, the posts under the National Health Mission are under the control of the District Health Society, which is a registered society under the Chhattisgarh Societies Registrikaran Adhiniyam, 1973, and the Collector is the Chairperson of the Governing Body. It is further submitted that, upon the unfortunate death of a patient, an enquiry committee was constituted and, after conducting due enquiry, the enquiry report was submitted vide Annexure R-4/4. Learned State counsel submits that the petitioners, being contractual appointees, were terminated after following the procedure prescribed under Clause 33 of the Human Resource Policy, 2018. It is, therefore, submitted that the Collector, being the Chairperson of the District

Health Society, was competent to pass the orders of termination and that the impugned orders have been passed in accordance with law. Hence, no interference is warranted.

4. I have heard learned counsel for the parties and perused the material available on record.

5. From a perusal of the record, it is evident that the petitioners were appointed as Nursing Officers on contractual basis and their services were governed by the Human Resource Policy, 2018. The said Policy places the concerned posts under the control of the District Health Society, of which the Collector is the Chairperson.

6. For ready reference the Clause 33 of the Human Resource Policy, 2018 is quoted below:-

> 33. कदाचार, जांच प्रकिया एवं शस्ति :-
> नियुक्तिकर्ता अधिकारी राज्य / जिलाके परिस्थितिजन्य कारणों से कदाचरण/शिकायत प्राप्ति पर निम्नानुसार कार्यवाही की जायेगी।
> 33.1 किसी अधिकारी/कर्मचारी के विरूद्ध शिकायत प्राप्त होने की स्थिति में नियंत्रणकर्ता अधिकारी द्वारा जांच कराये जाने संबंधी निर्णय हेतु नियोक्ता के समक्ष प्रस्तुत की जावेगी। जांच हेतु निर्णय का अधिकार नियोक्ता / मिशन संचालक का होगा।
> 33.2 किसी भी प्रकार की जांच किये जाने हेतु नियोक्ता अधिकारी द्वारा समिति का गठन किया जावेगा तथा जिसे माध्यम से जांच किया जावेगा
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7. It is further apparent from the reply filed by the respondents that, pursuant to the incident in question, an enquiry was conducted by the duly constituted enquiry committee and, thereafter, the

impugned orders of termination were passed thus following the prescribed procedure.

8. The petitioners have not been able to demonstrate that the procedure prescribed under Clause 33 of the Human Resource Policy, 2018 was not followed by the respondents. In the absence of any material showing violation of the prescribed procedure or any jurisdictional error in the decision-making process, no ground for interference with the impugned orders is made out. Further the argument of the petitioner that the CMHO was the competent authority also does not stand as the Collector is the chairman of the committee and therefore has the power to conduct enquiry.

9. Consequently, this Court finds no illegality or infirmity in the impugned orders dated 26.06.2026 warranting interference in exercise of writ jurisdiction.

10. Accordingly, both the writ petitions are dismissed.

SD/-
(Bibhu Datta Guru)

JUDGE

Jyoti