
(2011) 02 RAJ CK 0039

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2580 of 2011

Dr. Dinesh Kumar

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 25-02-2011

Acts Referred:

Citation : (2011) 02 RAJ CK 0039

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—Counsel inter-alia submits that Petitioner was appointed on contract basis for primary health centre, Amba Mata (Pratapgarh) as Ayurved Chiktsak vide order dt.03/03/2010 (Ann.1), pursuant to which he joined on 09/03/2010 and since then he is discharging his duties; however, without calling for his explanation or affording opportunity of hearing, his contract of service has been terminated apparently on the premise that considering maximum marks of final year of BAMS as 1200 instead of 1150, percentage of marks which he secured became 55.711 instead of 56.337 being below the cut off marks of selected candidates in OBC category. Counsel further submits that whatever reason may be, at least Respondents were expected to have called for his explanation before taking any adverse action against him; as such terminating his contract of cannot be held to be justified.

2. Issue notice of writ & stay petition, alongwith a copy of this order to Respondents returnable within four weeks as to why the petition may not be finally disposed of at admission stage. Notices may be given Dasti, if desired. PF & notices be filed within seven days, failing which stay order shall stand automatically vacated.

3. In the meanwhile, operation of order impugned dt.31/01/2011 (Ann.3) qua the Petitioner shall remain stayed till further orders; however, it would not preclude the Respondents from taking fresh action in accordance with law. List after service.