
(2010) 08 RAJ CK 0084
In the Rajasthan High Court

Lalit Kumar Bakliwal

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

Date of Decision : 27-08-2010

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2010) 08 RAJ CK 0084

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ajay Rastogi, J.—The petitioner as alleged in the petition was appointed as Pharmacist vide order dt.21.11.09 (Annx.2) with the clear stipulation that he will be allowed to continue provided he is approved by the Director, Medical & Health Department. It appears that since his appointment was not approved by the competent authority, taking note thereof his services were terminated vide order dt.1.4.2010 (Annx.3).

2. The main thrust of the submissions of the Counsel is that the reason with regard to approval being not granted by the appointing authority has never been communicated to the petitioner but the fact which remains is once the petitioner has been given appointment as Pharmacist, his services could not have been terminated without giving him a notice or affording opportunity of hearing while passing order impugned.

3. The submission made in the facts of the instant case is not sustainable for the reason that petitioner was appointed without going through the process provided for holding selection which may be said to be in conformity with Article 14 of the Constitution and despite query being put to the Counsel about the process being adopted while he was given appointment vide order dt.21.11.09 (Annx.2), he was unable to satisfy and no material has been placed on record which could satisfy this Court about the procedure being adopted by the respondent while

petitioner was considered for appointment on the post of Pharmacist while passing order dt.21.11.09 (Annx.2), in absence whereof, no right could be conferred to the petitioner, apart from it there is clear stipulation in the order itself that it will be subject to approval by the appointing authority and if the same has not been approved, indisputably there was no justification available with the authority to allow him to continue and taking note thereof his services have been terminated vide order dt.1.4.2010 (Annx.3). This Court does not find any infirmity in the decision being taken by the respondent which may call for interference.

4. Consequently, the petition being devoid of merit stands dismissed.