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Reena Sharma and anr Vs. State and ors

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Court : Rajasthan Jodhpur

Decided On : May-29-2014

Appellant : Reena Sharma and anr

Respondent : State and ors

Judgement :

S.B.Civil Writ Petition No.7270/2012 Shinder Pal Kaur & ORS.versus State of Rajasthan & ORS.Order dated 29/05/2014 1/4 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER
(1) S.B.Civil Writ Petition No.7270/2012 Shinder Pal Kaur & ORS.versus State of Rajasthan & ORS.& (2) S.B.Civil Writ Petition No.6702/2012 Pushpa Darji & ORS.versus State of Rajasthan & ORS.& (3) S.B.Civil Writ Petition No.7213/2012 Manju Joshi versus State of Rajasthan & ORS.& (4) S.B.Civil Writ Petition No.7279/2012 Reena Sharma & Anr.

versus State of Rajasthan & ORS.& (5) S.B.Civil Writ Petition No.7280/2012 Smt.

Kaushalya Vaishnav & Ors versus State of Rajasthan & ORS.Date of Order :::: 29th May, 2014 PRESENT HON'BLE Dr.

JUSTICE VINEET KOTHARI Appearance: Mr.Nishant Motsara].Mr.T.S.Rathore on behalf of].Dr.

Nupur Bhati].- for the petitioner(s).Mr.D.S.Sodha on behalf of].Mr.Kuldeep Mathur].Ms.Sheweta bora on behalf of Mr.Anil Bissa, Addl.

Govt.

Counsel.

S.B.Civil Writ Petition No.7270/2012 Shinder Pal Kaur & ORS.versus State of Rajasthan & ORS.Order dated 29/05/2014 2/4 BY THE COURT: 1.

The petitioners were appointed on contract basis to work as Assistant (' ') under the National Rural Health Mission Scheme funded by the Central Government and run by the respondent, Medical & Health Department of the State Government.

2.

The documents placed on record would show that their contract term was extended firstly up to 31.03.2013 or till the regularly selected persons are made available for such positions.

This would appear from Annex.R/1 dated 13.08.2012 issued by the Mission Director, NRHM, Jaipur.

The said order is quoted herein below for ready reference: - ( ) , -!, " $, % F.20 (79)/NRHM/HRD/011-12/613 Date: 13-8-12 -20 (179) / / 2011/160, 22.03.2012 " $.

% 31.08.2012 " ! 3" ! , % % 8 $" " " $.

! 3" 2012- 13 8 %! ;, ! % 31.03.2013 8 3" .

" S.B.Civil Writ Petition No.7270/2012 Shinder Pal Kaur & ORS.versus State of Rajasthan & ORS.Order dated 29/05/2014 3/4 % = " (" .

8) ! 3" ! " ;! Sd/- " 3.

Learned counsels for the petitioners submitted that the said Scheme is still continuing even after change of the Government after Legislative Assembly Elections in the year 2013 and the petitioners are also continuously working in the

said position under the interim orders granted by this Court and their services may not be dispensed with till the regularly selected candidates are made available.

4.

The legal position in this regard is settled that if the project or the scheme is continuing and if the respondents are in need of such persons for employing them as 'Assistants' (' ') under the said Scheme, they may extend their contractual period till the regularly selected persons are available.

On the other hand, the State Government is also free to discharge the contractual employment in case the Scheme itself is closed.

No documents with regard to extension of contractual term after 31.03.2013 has been placed on record by either of the parties and information whether the regular recruitment process for these positions has been held by the respondent State after 31.03.2013, or not, has not been placed on record by the respondents.

S.B.Civil Writ Petition No.7270/2012 Shinder Pal Kaur & ORS.versus State of Rajasthan & ORS.Order dated 29/05/2014 4/4 5.

Accordingly, these writ petitions are disposed of with a liberty and direction to the petitioners to approach the respondent, Mission Director, N.R.H.M., (Medical & Health Department of the State Government) by filing appropriate representation(s) for their continuation in contractual employment under the said NRHM scheme, till such scheme continues or till the regularly selected persons are made available.

If such recruitment process for regular selection is made, it is needless to add that the petitioners will also be free to participate in such selection process.

The representation if any made by the petitioneRs.the authority concerned i.e.the Mission Director, N.R.H.M., Jaipur is expected to decide the same in accordance with law expeditiously after giving them opportunity of hearing.

No costs.

A copy of this order be sent to the concerned parties forthwith.

(Dr.

VINEET KOTHARI).J.

DJ/- 42-45 C-1

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