

## Samina Khan Vs State Of Chhattisgarh & Ors

**Court:** Chhattisgarh High Court

**Date of Decision:** Sept. 30, 2019

**Hon'ble Judges:** P. Sam Koshy, J

**Bench:** Single Bench

**Advocate:** Veena Nair, P. Acharya

### Judgement

Also heard on I.A. No.1, which is an application for grant of interim relief.

The contention of the petitioner is that, the petitioner was initially engaged on contractual basis in the year 2009 and since then the petitioner's contract

has been renewed periodically and last contract period come to an end on 25.05.2016. The petitioner further submits that though the contract has

come to an end on 25.05.2016, but the respondents have continue taking work from the petitioner and he is still working under the respondent No.4

and as such he has put in about 10 years of service. According to the petitioner, there is all likelihood of the respondent No.4 going in for filling up of a

fresh vacancy by way of a fresh recruitment and in the process the petitioner would be replaced by another set of contractual employee.

Considering the fact that the petitioner has already put in about 10 years of service with the respondents and the fact that his services were not

discontinued on account of unsatisfactory work or on account of any misconduct on his part, this Court is of the opinion that in the event if the

department intends to fill up the post on contractual basis, the petitioner should be given priority and preference considering the experience that he has

on the said post. However, the respondents-State would be at liberty to fill up the post by way of a regular vacancy, if they so choose. This, in other

word, means that the respondents are restrained from issuing any fresh advertisement for filling up of the said post on contractual basis unless the

services of the petitioner are discontinued on unsatisfactory work or on account of some misconduct.

List the matter along with WPS No.6313 of 2019 after the reply of respondents is filed.