

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9615/2025

Nasir Hussen S/o Shri Muveen Ahmad, Aged About 29 Years, R/o
Village Khairawa, Post Soumka, Tehsil Pahari, District Deeg(Raj.)

-----Petitioner

Versus

1. State Rajasthan, Through Its Principal Secretary, Medical And Health Department, Govt. Secretariat, Jaipur(Raj.).
2. Chief Medical And Health Officer, Deeg, District Deeg(Raj.)
3. Medical Officer In-Charge, Primary Health Center Laadmaka, Division Pahari, District Deeg(Raj.)
4. Block Chief Medical Officer, Pahari, Deeg(Raj.)
5. Proprietor, Multipurpose Action For Rural Development Sansthan, 113, Swarn Jayanti Nagar, Bharatpur(Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Laxmikant Sharma
For Respondent(s)	:	Mr. Archit Bohra, AGc with Ms. Sweekriti Sharma and Mr. Rahul Verma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

25/03/2026

1. Instant writ petition is preferred by petitioner with following prayer:
 - (i). By Issuing an order or appropriate writ, direction in the nature thereof and thereby quashed and set aside the termination office order dated 10.05.2025 and letter dated 12.06.2025 and the respondents be directed not to replace the service of the petitioner or the terminate petitioner from the post of Computer man with machine (MNDY) or

replace to petitioner in any one vacant seat near by place in the larger interest of justice.

(ii). Issue a writ order or direction in the nature thereof thereby direct the respondents to give preference to the petitioner in further recruitment on the post of the Computer man with machine (MNDY) taking into consideration the long time experience of the petitioner and issued experience certificate in favour of petitioner according to length the services of petitioner.

(iii). Issue a writ order or direction in the nature thereof thereby direct the respondents to pay the out standing salary of petitioner and pay the regular pay-scale to the petitioner with all consequential benefits alternatively increase the remuneration of the petitioner.

(iv). By issuing an appropriate writ, order of direction in the nature direct the petitioner respondents thereof and thereby to continue the in service till regular selection is made,

2. Learned counsel for the petitioner submitted that the petitioner was initially appointed on the post of Computer Operator (Man with Machine) through a service provider on contract basis. He further submitted that vide order dated 10.05.2025, the services of the petitioner were terminated by respondent No. 3 without proper inquiry and without following the principles of natural justice. He further submitted that the dispute arose when PHC Laadmaka was inspected on 06.02.2025 and at that time the dispensary was found locked and all were directed to mark attendance in the office of respondent No.2. He further submitted that

the petitioner was also absent on 19.04.2025 and a notice was served upon him by respondent No. 4. He further submitted that a reply to the said notice was filed by the petitioner, but without conducting any inquiry, the services of the petitioner were terminated by respondents No. 3 and 4 in a stigmatic manner. He further submitted that the order dated 10.05.2025 issued by respondent No. 3 clearly indicates that without assigning any duty and enquiry, the petitioner was held guilty and his services were terminated.

3. Aforesaid contentions were opposed by learned counsel appearing on behalf of the respondents, who, after placing reliance upon the reply filed by the respondents, submitted that there is no privity of contract between the petitioner and respondents No. 1 to 4. He further submitted that the petitioner was employed in contractual capacity through respondent No. 5 and the services of the petitioner were terminated by respondent No. 5. He further submitted that the petitioner was not a disciplined person and was not discharging his work to the satisfaction of the respondents, and due to non-satisfactory performance, the services of the petitioner were terminated.
4. Heard Learned counsel for the parties and perused the material available on record.
5. Brief facts of the case, as mentioned by the petitioner, indicate that the petitioner, having qualification of B.Sc. Nursing with computer diploma, was appointed as Computer Operator (Man with Machine) through service provider. The petitioner was informed by respondents No. 3 and 4 that his

services were not satisfactory and ultimately his services were terminated by respondent No. 3. The petitioner submitted a representation to the District Collector, Deeg on the ground that from 02.05.2025 to 09.05.2025 he fell ill due to sudden illness and he could not attend the office; however, the respondents have mentioned that the services of the petitioner were already terminated on 12.05.2025, though the petitioner has stated that he worked till 12.06.2025. The petitioner has further contended that as per notification dated 11.01.2022 regarding contractual hiring, the respondents were required to serve three months' notice or pay salary of three months in lieu of notice, but the same has not been followed. The petitioner has also referred to interim **order dated 22.01.2024 passed in S.B. Civil Writ Petition No. 912/2024 titled as Rahul Meena vs. State of Rajasthan.**

6. Annexure-1 (letter dated 01.09.2023) sent by respondent No. 5 to respondent No. 3, indicates that the petitioner was engaged as Man with Machine on the post of Computer Operator. The letter dated 10.05.2025 issued by respondent No. 3 indicates that the services of the petitioner were terminated by respondent No. 3 and not by respondent No. 5.
5. Annexure-3 (letter dated 12.06.2025) issued by respondent No. 4 indicates that the services of the petitioner were terminated with effect from 12.05.2025. Annexure R/3, (notice dated 19.04.2025) indicate that respondent No. 4 issued notice to the petitioner to explain his conduct about absence on 19.04.2025. Prior to Annexure R/3, Annexure

R/2 (order dated 10.02.2025), was issued by respondent No. 4 wherein the name of the present petitioner is mentioned at serial No. 5, indicating that on 06.02.2025, at the time of inspection of PHC Ladamka, no one was found and the dispensary was locked, and directions were issued to mark attendance in the office of respondent No. 2. Further, Annexure R/4 (letter dated 09.05.2025) sent by respondent No. 4 to respondent No. 3, indicates that services of the petitioner to be terminated.

7. The material available on record indicates that respondents No. 3 and 4 have treated the petitioner as their employee and have initiated action to remove him as if he was in direct contractual engagement with respondents No. 3 and 4. No material available on record, except (Annexure-1), indicate that the petitioner was engaged through any agency. The order dated 09.05.2025 passed by respondent No. 4 terminating the services of the petitioner and the subsequent order dated 10.05.2025 passed by respondent No. 3 clearly indicate that the petitioner was removed in a stigmatic manner.
8. A Coordinate Bench of this Court at Principal Seat, Jodhpur, in the case of **Prakash Manda vs. RSRTC, reported as 2025 SCC Online Rajasthan 3497**, decided on 14.07.2025, has considered the issue of stigmatic termination without holding any inquiry and observed that termination in a stigmatic manner mandates the employer to conduct a proper inquiry and, in absence of such mandatory inquiry, such an order cannot be sustained.

9. Further, in case of **Swati Priyadarshini vs. State of M.P., reported as 2024 INSC 620**, Hon'ble Supreme Court considered a case wherein the appellant was appointed on the post of Assistant Project Coordinator under Sarva Shiksha Abhiyan on contractual basis, initially for one academic session, which was renewable. The services of the appellant were terminated on the ground of misconduct and alleged illegal activities but without conducting any inquiry. Hon'ble Supreme Court, holding the termination to be stigmatic in nature, which was passed without affording an opportunity of hearing, has allowed the appeal, and quashed the termination order and directed reinstatement of the appellant.
10. In the present case, the material placed on record clearly indicate that the petitioner was removed in a stigmatic manner and not by way of a simple order. Respondents No. 3 and 4 have not exercised the option to return services of the petitioner to the service provider; rather, they have assumed the role of employer. No document has been placed on record to show any agreement between respondents No. 3 and 4 with respondent No. 5. The material thus clearly indicate that respondents No. 3 and 4 have acted as employer and controlling authority, who passed the impugned orders in a stigmatic manner, therefore, the petition is liable to be allowed and the order of termination passed by respondents No. 3 and 4 deserve to be quashed and set aside.

11. In view of the discussion made hereinabove, the order dated 10.05.2025 (Annexure-2), passed on the basis of recommendation dated 09.05.2025 (Annexure R/4) by respondent No. 4, hereby quashed and set aside. The petitioner is reinstated to the same position which he was holding prior to passing of the order dated 10.05.2025 (Annexure-2) and 09.05.2025 (Annexure R/4). The petitioner shall also be entitled to actual payment for the period he has worked with the respondents, from the date of joining till the date he actually worked.
12. Accordingly, the writ petition stands allowed and the miscellaneous application(s), if any, is disposed of.

(ASHOK KUMAR JAIN),J