



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 5898/2020

Anil Kumar Son Of Shri Gopal Lal, Aged About 31 Years, Resident Of House No.109, Nanu Nagar, Murlipura, Jaipur Rajasthan-302039.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Medical And Health Govt. Of Rajasthan, Secretariat, Jaipur.
2. The Chief Medical And Health Officer (Cmho), Govt. Hospital Dausa, District Dausa Rajasthan.
3. The Block Chief Medical And Health Officer (Bcmho), Mahuwa, Mahuwa, Distt. Dausa Rajasthan.
4. The Mission Director, National Health Mission (Nhm) Cum Secretary To The Govt. For Nhm, Medical Directorate, Jaipur.

-----Respondents

For Petitioner(s) : Mr. P.C. Sharma
For Respondent(s) : Mr. Sankalp Vijay, AAAG for
Mr. Vigyan Shah, AAG
Mr. Priyam Aggarwal
Mr. Kshitij Jain

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

15/04/2026

1. The present writ petition has been filed challenging the order dated 15.03.2020 (Annex.7) whereby the petitioner's contractual service has been terminated based on allegations that a fake news was circulated by him during COVID-19 pandemic.
2. The averments shows that the petitioner was working as a Senior Treatment Supervisor in the Medical and Health Department on contractual basis. By the impugned order dated 15.03.2020, the petitioner's services were terminated pending enquiry, on the allegation that the petitioner circulated fake news by messaging that some COVID-19 positive patients were admitted and taking treatment in the hospital. In this regard, an FIR was also registered and based on the said FIR, he was



terminated. It is stated that subsequently, an enquiry was held and in the said enquiry, the charges levelled against the petitioner were not proved. Thereby, an order of revocation has been passed by the respondents dated 24.07.2022 giving zero effect to the order of termination.

3. Learned counsel for the petitioner submits that the entire procedure adopted by the respondents-Authority in terminating the petitioner without an enquiry is also stigmatic. Subsequently, on the basis of findings of said enquiry, a revocation of termination order was passed by giving zero effect to the termination. Thereby, he is entitled for continuity in service in between the date of termination to the date of revocation including the period he worked in pursuance of interim directions. According to him, the termination order is unsustainable under law, even though, the said order has been revoked.

4. Learned counsel for the respondents tried to defend their action by contending that the termination order has been passed by ordering an enquiry and basing on the enquiry, revocation order has been passed giving zero effect.

5. This Court, having gone through the background of the facts, feels that the entire procedure adopted by the respondents-Authority is unknown to the law. There cannot be any stigmatic termination by ordering an enquiry. Basing on such enquiry, revocation of such a termination order is passed. An illegal procedure has been adopted which is unknown to law. Though the revocation is done, from the material on record, this Court feels that the termination order is unsustainable in the eye of law and there cannot be any termination without an enquiry. Ordering





enquiry after termination and basing on such enquiry, again revoking the termination order giving zero effect, is an action which is contrary to law. Such an action resulted undue hardship and mental agony to the petitioner and also caused loss to exchequer of the State. Therefore, the present writ petition is required to be allowed and the entire procedure adopted by the respondents-Authority is required to be declared illegal and the same is liable to be quashed and set aside.

6. In the result:-

(i) this writ petition is allowed with cost of Rs.25,000/- to be paid by the respondents to the petitioner; the impugned order of termination is revoked and the procedure adopted is declared illegal and the same is set aside;

(ii) the petitioner was terminated on 15.03.2020 and the interim order was granted by this Court on 12.06.2020, therefore, the period of such absence shall be treated as a period on duty and he is entitled for all the benefits including the pay as well as continuity of service and the same is re-enforced by the order of revocation.

(iii) the State Government is given liberty to initiate appropriate proceedings against the respondents-Authority for passing such kind of orders which is unknown to law and recover the loss, if any, caused to the exchequer by duly giving notice to the concerned Authority who passed the order.

7. All pending application(s), if any, stand disposed of.

(MUNNURI LAXMAN),J

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