

Court No. - 20

Case :- WRIT - A No. - 7863 of 2023

Petitioner :- Hemant Kumar Rana And 6 Others

Respondent :- State Of U.P. Thru. Its Addl. Chief Secy. Prin. Secy. Medical Health And Family Welfare And Others

Counsel for Petitioner :- Prashant Kumar, Inam Uddin Ahmed, Vikas Kumar Verma

Counsel for Respondent :- C.S.C., Abhinav Trivedi, Gaurav Mehrotra

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioners, learned State Counsel appearing on behalf of opposite parties 1 and 2 and Ms. Anushri Moitra learned counsel holding brief on behalf of Mr. Utsav Misra learned counsel for opposite party No.3 whose power is taken on record.

2. Petition has been filed seeking quashing of the advertisement dated 17th June, 2023 for the purposes of selection on the post of Dental Hygienist in medical and health department of the State. Further prayer for providing weightage/preference to petitioners on account of past services rendered by them on contract basis with department on the post of Dental Hygienist since 2009-2021 has also been sought along with other concomitant prayers.

3. The learned counsel for petitioners submits that a similar controversy has already been decided by means of the judgment and order dated 01.02.2013 passed in Writ Petition No. 190 (S/S) of 2013 (Seema Singh and others Vs. State of U.P. and others and other connected matters) in which the following directions have been issued.

"The petitioners shall be considered for appointment on the post of Basic Health Worker (Female) taking into consideration their work and experience on the post of ANM and by giving them relaxation in the qualification relating to training for the post in question provided the petitioners have obtained the training as per the prescribed qualification at that particular time."

4. The learned counsel for petitioners submits that the aforesaid judgment and order has subsequently been upheld in Special Appeal Defective No. 848 of 2013 (State of U.P. and others vs. Reena Kumari and others) which has also been upheld by the Hon'ble Supreme Court in S.L.P. No. 8302 of 2014. The learned counsel for the petitioners submits that a direction may be

issued for consideration of petitioners in the light of aforesaid judgment.

5. In view of the innocuous prayer being made by the learned counsel for the petitioners and without entering into the merits of the case, liberty is granted to petitioners to make a fresh representation to the opposite party No.1 i.e. Additional Chief Secretary/Principal Secretary, Department of Medical, Health & Family Welfare, U.P., Lucknow with regard to their grievances which shall be considered and decided in the light of judgment rendered by this Court in Writ Petition No. 190 (S/S) of 2013 (Seema Singh and others Vs. State of U.P. and others and other connected matters) in case they are applicable by a reasoned and speaking order within a period of three weeks from the date of submission of representation along with certified copy of this order.

6. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 11.10.2023
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