



Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<u>WPSB/553/2024</u> Dr. Chandraditya Prakash & others --Petitioner Versus State Of Uttarakhand & others --Respondents With <u>WPSB/677/2024</u> Dr Rekha Kohli --Petitioner Versus State Of Uttarakhand & others --Respondents <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u> Mr. Abhijay Negi and Ms. Priyanka Aggarwal, learned Counsel for petitioners. 2. Mr. K.N. Joshi, learned Dy.A.G. with Mr. S.S. Chaudhary, learned S.C. for the State. 3. Mr. Manoj Kumar, learned Counsel for Union of India. 4. Mr. Gaurav Nagpal, learned Counsel i/b Mr. Ramji Srivastava, learned Counsel for respondent – Selecting Body. 5. Mr. Anil Joshi and Mr. H.M. Bhatia, learned Counsel for private respondents. 6. Since both these petitions challenge the advertisement dated 11.03.2022, hence these are decided by this common order. However, for brevity sake, facts of WPSB No.553 of 2024 alone are being considered.



		7. Petitioners participated in a selection for appointment as Medical Officer (Ayurvedic) which was initiated pursuant to advertisement dated 11.03.2022. Petitioners were not successful in that selection, therefore, they have approached this Court with the prayer to quash result of the selection as well as the merit list dated 30.05.2023. They have also sought quashing of selection of private respondents. 8. In sum and substance, grievance of petitioners is that they were not given bonus marks for experience as Community Health Officer Medical Officers in National Rural Health Mission, while persons, who served under 'Rashtriya Bal Swasthya Karyakram' as Medical Officer, were given two marks for each completed year of service. This according to petitioners is unjust. 9. Learned Counsel for respondent nos.4 and 6 submits that petitioners were engaged under 'National Rural Health Mission' as Community Health Officer and since they did not perform clinical duties and they served as Mid-Level Health Providers, therefore, they were not entitled to bonus marks for experience. 10. In paragraph no.17 of the writ petition, following averment is made: - <i>"17. That similarly situated persons/doctors working under the same umbrella of National Health Mission (NHM), are the Ayurvedic doctors working in Rashtriya Bal Swasthya karyakram (RBSK) who have been given the benefit of their experience for working under NHM in RBSK, but the petitioners</i>
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			<i>have been deprived of that benefit when they are also working under NHM. RBSK persons also have the same degree of BAMS and both do similar work. In fact, those working in RBSK have limited work of screening the children from newborn up to the age of 18 years, but the petitioners herein, the screening of all people of all age groups, run outdoor patient departments (OPD), emergency duty, ayush consultation and also implement government schemes at the same time. The petitioners have the additional qualification of bridge course due to which they were also competent to prescribe allopathic medicine and the only difference was in fact, a kind of a red herring of designation and nomenclature. The petitioners are called community health officers, while the RBSK doctors are called medical officers and in fact, CHOs also have subordinate staff like ASHA, Anganwadi Karyakarti, ANM (Auxiliary nurse midwife). In the same manner, RBSK MO's have also the subordinate staff like learners or ANM. In fact, RBSK MOs do only field duty whereas, petitioners here in also do OPD duty and the integral qualification of RBSK medical officers as well as the present petitioners are same which is the BAMS doctor qualification.”</i> 11. Reply to said averment is given in paragraph no.16 of the counter affidavit filed by the respondent no.4-Selecting Body, which is quoted below: - <i>“That the contents of paragraph no. 17 of the writ petition are not admitted hence denied. In reply thereto it is submitted here that doctors working in Rashtriya Bal Swasthya Karyakram (RBSK) are Medical Officers of Physician Cadre posts whereas the CHOs work according to Patient Health Monitoring System (PHMS) which is a non-physician cadre post therefore, the work of medical officer and CHO are different as described in preceding paragraphs.”</i> 12. Since the selection process is over and all selected candidates have joined duties in the year 2023-2024, therefore, this Court is not inclined to disturb the selection, especially when all selected candidates are not before us. 13. Having regard to the facts and circumstances of the case, we dispose of this writ petition by permitting petitioners to make separate representation(s) highlighting their grievance before
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the Principal Secretary, Medical Health and Family Welfare. If petitioners make such representation within three weeks, the concerned Secretary shall take decision thereupon as per law within eight weeks thereafter.

14. Pending application, if any, stands disposed of.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

23.07.2026

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