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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2615 of 2015**

- Ashok Kumar Jaiswal S/o Late Shri Rambahoran Jaiswal Aged About 43 years Community Health Worker, R/o Village- Samdil, P.S. & Tahsil - Takhatpur, District Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

1. Union of India Through- Secretary Department of Family Welfare, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi (India). 110011
2. State of Chhattisgarh Through- Secretary, Department of Health And Family Welfare, Naya Raipur, Police Station - Naya Raipur, District- Raipur (Chhattisgarh)
3. Secretary, Panchayat And Gramin Vikas Vibhag, Mantralaya Bhawan, Naya Raipur, Police Station- Naya Raipur, District- Raipur (Chhattisgarh)
4. Director, Health And Family Welfare Raipur, Police Station - Civil Lines, Raipur, District Raipur (Chhattisgarh)
5. Collector, Bilaspur, Police Station - Civil Lines, Bilaspur, District Bilaspur (Chhattisgarh)
6. Chief Medical & Health Officer, Bilaspur, Police Station - Civil Lines, Bilaspur, District- Bilaspur (Chhattisgarh)
7. Chief Executive Officer, Jila Panchayat Bilaspur, Police Station- Civil Lines, Bilaspur, District- Bilaspur (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri AK Swarnakar, Advocate
For Respondent No.1	:	Shri AK Shukla, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, Dy. GA for the State.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****23/07/2015**

1. The petitioner, who has been working as Community Health Worker, has approached this Court for issuance of direction to respondents/State

authority to merge or to take the services of the petitioner in their health programs (scheme) run for rural areas to secure the health of the village people and grant him remuneration.

2. Learned counsel for the petitioner submits that under the scheme for providing basic health facility / first aid to the rural people with the financial aid from the Central Government, the State Government is providing first aid treatment/primary treatment to people for which the petitioner has been engaged as primary health worker who help and assist rural mass in getting treatment. He submits that the scheme is going since long and therefore, the petitioner has legitimate right for being considered for absorption in Government service. It is submitted that the association has made representation to the Government, but till date, no orders have been passed in their favour.
3. The petitioner is working as Community Health Worker under the scheme of the Central Government and the State Government. According to the pleadings, the Community Health Workers are engaged under National Rural Health Mission to facilitate health facilities in rural areas. Strictly speaking, these are not the posts created in the Health department but are merely arrangements to facilitate first aid facility/primary treatment in rural areas. Whether such group of person, who are working as Community Health Workers should be absorbed in government service against certain posts borne in the establishment in the health department, is entirely a matter of policy and no writ can be issued to absorb the petitioner on any post in the department of health in the State services. Therefore, no direction can be issued. This petition, therefore, is liable to be and is hereby dismissed.
4. It is however made clear that dismissal of this writ petition shall not come in the way of the respondents in otherwise considering the representation of

the association of the petitioner of taking policy decision in the matter of implementation of various health programmes/mission.

Sd/-

Judge

Prashant Kumar Mishra

Ashu