

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO. 3044 OF 2015.

REKHA ADVEAPPA CHAKRE.

VERSUS

ZILLA PARISHAD, OSMANABAD & OTHERS.

Appearance =>

Mr. Ankush Nagargoje, Advocate for the Petitioner.

Mrs. S.G. Chincholkar, Additional Government Pleader for the
Respondent - the State.

Mr. P.P. More, Advocate for Respondent Nos. 1 and 2.

**Coram : S.S. Shinde,
 A.M. Badar, JJ.**

Date : 28th September, 2015.

Per Court :-

This Petition is filed with prayer clause/s (a) and (b)
which read thus :-

(A) For writ of mandamus order or directions in the nature of mandamus directing the respondent no.1 and 2 herein to regularize the petitioner's services as Auxiliary Nurse Midwife (ANM) (MHW) in view of the Government policy.

(B) For writ of prohibition, order or direction in nature of prohibition, prohibiting the respondent no.1 and 2 herein from terminating the petitioner's services on account of completion of bonded period.

[2] The learned counsel appearing for the Petitioner submitted that, so far as allotment order by which the Petitioner was covered is issued by the Joint Director of Health Services in the year 2004. It is submitted that, though the Respondent Authority were aware about the petitioner's allotment order which were issued in the year 2004, those were not acted upon and, therefore, the petitioner was constrained to file present Writ Petition.

Pursuant to the directions issued by the Hon'ble High Court in Writ Petition No.8150/2011, on 21st September, 2013, vide order जा.क.जिपउ/आवि/आस्था-२/कावि-२२५३/१३ आरोग्य विभाग, जिल्हा परिषद, उस्मानाबाद दिनांक २१ सप्टेंबर 2013 the Petitioner was appointed as bonded candidate thereby, entering into / executing bond for a period of 18 months.

[3] It is submitted that, in case of other Zilla Parishad and even in case of similarly situated candidates like the Petitioner, services of such candidates have been regularized.

The learned counsel for the Petitioner invited attention of this court to *inter se* communication between the authorities of other Zilla Parishads and the State Government.

[4] It is submitted that, Respondent - Zilla Parishad, Osmanabad is not following the policy of the State Government to regularize the services of candidates, who have completed the bond period, therefore, the Petitioner is constrained to file the present Writ Petition seeking directions to Respondent Nos. 1 and 2 to regularize the petitioner's services as Auxiliary Nurse Midwife (ANM)(MHW) in view of the Government Policy.

[5] It is submitted that, in respect of candidates who are appointed by allotment order, which were issued prior to the year 2006, the Zilla Parishad has to regularize the services of such candidates.

By way of alternate submission, the learned counsel for the petitioner submitted that, in case, this court is not inclined to allow the Petition by issuing directions to the Respondents to regularize the petitioner's services as Auxiliary Nurse Midwife (ANM) (MHW), till the candidates are appointed by following due process of law, the Petitioner be continued in the services of the Respondent - Zilla Parishad.

[6] The learned counsel appearing for the Respondent - Zilla Parishad invited our attention to the affidavit-in-reply and in particular paragraph No.4 thereof and submitted that, none of the candidate who is junior to the Petitioner is regularized and except following due process and after selection by the District Selection committee no candidate has been regularized on the post of Auxiliary Nurse Midwife (ANM).

[7] It is submitted that the Respondent - Zilla Parishad had undertaken the selection process even after the appointment of the Petitioner but the Petitioner did not participate in the said selection process.

It is submitted that, there is District Selection Committee for such selection and, therefore, without availing said procedure, prayer of the petitioner for regularization of the services deserves to be rejected.

[8] We have heard the learned counsel for the Petitioner, learned Additional Government Pleader for the State and the learned counsel for Respondent Nos. 1 and 2.

We have carefully considered the material placed on record and we do not see any reason to accept the contention of the learned counsel for the Petitioner that, without following selection process by District Selection committee, services of the petitioner are required to be regularized. As rightly submitted by the learned counsel for Respondent Nos. 1 and 2 that, there is District Selection Committee and only after adherence of the selection process, candidates are required to be appointed.

[10] In that view of the matter and fact that, the Petitioner's appointment order was issued on 21st September, 2013, we are not inclined to entertain the prayer of the Petitioner to give directions to Respondent Nos. 1 and 2 to regularize the petitioner's services as Auxiliary Nurse Midwife (ANM)(MHW).

[11] However, we make is clear that, services of the petitioner should not be discontinued till another bonded candidates are allotted to the Zilla Parishad. With the above observations, Petition stands dismissed.

[A.M. BADAR, J.]

[S.S. SHINDE, J.]