

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

Writ Petition No.5889 of 2004

- 1) Dnyanoba Pandurang Kagane,
Age 34 years,
Occupation : Nil,
R/o At Kaganewadi,
Post Ranisawargaon,
Taluka Gangakhed,
District Parbhani.
- 2) Gangadhar Panditrao Wankhede,
Age 22 years, Occupation: Nil,
R/o At Post Bet-sangvi,
Taluka Loha, District Nanded.
- 3) Jagdeo Vitthalrao Rawate,
Age 36 years,
Occupation: Nil,
R/o Sundarniwas, Shriramnagar,
Near Hanumangad, Dist. Nanded. .. **Petitioners.**

Versus

- 1) The State of Maharashtra
Through the Secretary,
Rural Development and
Water Conservation Department
Mantralaya, Mumbai 400 032.
- 2) The Director of Health Services,
St Georges Hospital Compound,
Dental College Building, 4th Floor,
P. D'Mello Road, V.T. Mumbai - 01.
- 3) The Joint Director of Health
Services (Malaria & Philaria) Pune - 411 006.
- 4) The Chief Executive Officer,
Zilla Parishad, Nanded.

- 5) The Chief Executive Officer,
Zilla Parishad, Parbhani. .. **Respondents.**

Shri. A.S. Deshpande, Advocate, for petitioners.

Smt. P.V. Diggikar, Assistant Government Pleader, for
respondent Nos.1 to 3.

Shri. T.S. Lodhe, Advocate, holding for Smt. Y.M.
Kshirsagar (Thorat), Advocate, for respondent No.4.

Shri. S.G. Shinde, Advocate, for respondent No.5.

**Coram: T.V. NALAWADE &
SANGITRAO S PATIL, JJ.**

Date: 22 June 2017.

ORAL JUDGMENT (Per T.V. Nalawade, J.):

1) The petition is filed for claiming relief to consider the petitioners for appointment as Multipurpose Health Worker (Male) (MHW) by giving priority as against untrained candidates as also the Mustering Assistants and Spraying Unit Workers in Malaria Department. Heard both the sides.

2) The submissions made show that the petitioners were feeling aggrieved as due to Government policy Mustering Assistants were to be absorbed not only in Class IV category but also in Class III category

including the post of MHW. but the candidates who were having 12 Standard certificate and who had completed MPW training course are denied appointment as MHW. The petitioners were feeling that due to absorption of Mustering Assistants on these posts they were loosing opportunity to get the MHW post. The submissions made show that at this Bench and at Nagpur Bench in similar petitions by way of interim relief directions were given to appoint candidates as MHW who had completed MHW course. The aforesaid two petitions are disposed of.

3) The learned counsel for the petitioners now argued on another circumstance like Notification dated 4-6-2003 issued by the Government by which new eligibility conditions are prescribed for MHW posts. As per new conditions candidate must not have crossed 30 years of age if he is not in Zilla Parishad service and he must have passed Secondary School Certificate Examination in Science subjects. However, there is a condition that he needs to complete MPW course of 12 months period within three chances given to him after getting appointment on the post.

4) The learned counsel for the petitioners submitted that due to change in the eligibility conditions the candidate who had completed MPW course will loose opportunity to get the post on priority basis. Though as per the eligibility conditions it can be said that the other candidates can also be considered who had passed Secondary School Certificate Examination with Science subjects, the fact remains that the condition of completion of MPW course is not deleted by the Government and that is still kept as a condition. It is a policy decision and the reason behind this may be anything. It can be said that requisite conditions for getting appointment on the aforesaid post is still there and so in the policy decision of the Government there is no possibility of interference. The petitioners were aged 34 years, 22 years and 36 years at the relevant time and in view of the aforesaid change in the eligibility conditions it can be said that present petitioners will not be getting anything. In the result, the petition stands dismissed. Rule stands discharged.

Sd/-
(SANGITRAO S PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

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