

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2737 OF 2008

Devidas Bhaurao Jadhav and another .. **Petitioners**

Versus

The State of Maharashtra and others.. **Respondents**

Mr. V. D. Sapkal, Advocate for the Petitioners.

Mr. K. N. Lokhande, A.G.P. for Respondent Nos. 1 and 4.

Mr. S. N. Kendre, Advocate for Respondent Nos. 2 and 3. (*Absent*)

WITH

WRIT PETITION NO. 1723 OF 2008

Raghunath Chabu Gore

.. **Petitioner**

Versus

The State of Maharashtra and others.. **Respondents**

Mr. P. M. Janapurkar, Advocate for the Petitioner. (*Absent*)

Mr. K. N. Lokhande, A.G.P. for Respondent No. 1.

Mr. S. N. Kendre, Advocate for Respondent Nos. 2 and 3. (*Absent*)

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 19th October, 2018

PER COURT :

1. In both these writ petitions the petitioners are challenging the Government Resolution

transferring the Primary Health Centre from Mouje Devgaon Rangari to Mouje Chapaner, Taluka – Kannad, District – Aurangabad.

2. We have heard Mr. Sapkal, learned counsel for the petitioners in Writ Petition No. 2737 of 2008. None appears for the petitioner in Writ Petition No. 1723 of 2008.

3. The learned counsel for the petitioners submits that there is no Primary Health Centre in the circle of Devgaon Rangari. There is no propriety in transferring the Primary Health Centre to Chapaner. The respondents if they want can establish an independent Primary Health Centre, but for that purpose they need not transfer the Primary Health Centre situated at Deogaon Rangari. Providing basic medical facilities is the responsibility of the State.

4. The learned A.G.P. submits that the rural hospital exists at Deogaon Rangari. Rural hospital is run by the State Government, and Public Health

Centre is run by the Zilla Parishad.

5. In case, the rural hospital exists at Deogaon Rangari, then the medical facilities would be available at Deogaon Rangari. There was no stay to the impugned Government Resolution transferring the Primary Health Centre to Chapaner. The Government Resolution transferring the Primary Health Centre to Chapaner is passed on 08.02.2008, more than ten and half years back. The Government Resolution states that the Primary Health Centre is transferred to Chapaner considering the geographical location, the availability of space, road, water and other things.

6. In view of that, though, at this stage the order of transfer of Primary Health Centre need not be interfered with. We are observing this as it is submitted that the rural hospital exists at Deogaon Rangari. If the proper facilities are not provided in the said rural hospital at Deogaon Rangari, then the petitioners can agitate upon the same. We hope and trust that the State would

provide the basic medical facilities at Deogaon Rangari. With these observations, the writ petition is disposed of. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

marathe