

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

WRIT PETITION NO. 8567 OF 2016

**KALPANA BABURAO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.N.L. Choudhari, Advocate for the petitioners
Mr.S.B.Joshi, AGP for the respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 09.10.2018**

P.C. :-

We have heard Mr. Chaudhari, learned counsel for the petitioner and the learned AGP.

2. Affidavit is filed by the Commissioner, Health Services & Mission Director National Health Mission, Mumbai on 04.06.2018. Paras 4 and 6 of the affidavit read thus:-

"4. I state that "District Health Society" constituted under NHM is empowered to verify or identify the Health institution within its jurisdiction on the basis of their geographical nature based on the criteria or guidelines given by State Government pertaining to hardship allowances to regular health staff vide letter dated 15.10.2009. Hereto Annexed and Marked as Exhibit A is the copy of selection criteria or guidelines delivered by State Government.

I further say and submit that District Health Society, was directed to submit the name of health institutes who fulfill the criteria given by State Government vide their letter

dated 15.10.2009.

6. I further say and submit that no doubt it is the responsibility of the District Health Society and their respective responsible officers to look into the matter and to take immediate action, however it seems that no action has been taken with respect to these representations therefore this office vide letter dated 02.06.2018 directed the chairman of District Health society to verify the representation and take necessary action within 15 days from the date of receipt of said letter."

3. In view of the said affidavit, we direct the superior authority i.e. the Commissioner, Health Services & Mission Director National Health Mission, Mumbai to decide the representation of the petitioner. The representations given to respondent No.3 District Health Officer shall be forwarded by respondent Nos.3 and 4 to the Commissioner respondent No.5 within 15 days and respondent No.5 shall take decision within a period of three months from the date of receipt of said representation.

4. With these directions, the Writ Petition is disposed of. No costs.

5. The petitioners at liberty to putforth the stand before respondent No.5.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]