

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
 CHANDIGARH**

Date of decision: 16.01.2018

CWP No.5975 of 2016 (O&M)

Dr. Vinay Gupta

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: For the petitioner(s):

Dr. Vinay Gupta – petitioner in person.

Mr. Sanjay Kaushal, Senior Advocate, with
 Mr. Ravinder Hooda, Advocate;
 Mr. Manoj Pundir, Advocate;
 Mr. Mahender Singh Chahal;
 Mr. Narender Kumar Sharma, Advocate, for
 Ms. Suman Sharma, Advocate;
 Ms. Shalini Atri, Advocate;
 Mr. G.S.Sullar, Advocate;
 Mr. Ramesh Goyat, Advocate;
 Mr. Karamveer Singh Banyana, Advocate;
 Mr. Sandeep Beerwal, Advocate;
 Mr. Rajesh Bansal, Advocate;
 Mr. Suresh Kumar Kaushik, Advocate;
 Mr. Sandeep Goyal, Advocate;
 Mr. Anil Rathee, Advocate;
 Mr. Ravinder Hooda, Advocate;
 Mr. Rajiv Sidhu, Advocate;
 Mr. Sumit, Advocate, for
 Mr. Kamal Mor, Advocate;
 Mr. Surender Saini, Advocate;
 Mr. Surinder Dagar, Advocate;
 Mr. Namit Khurana, Advocate;
 Mr. Naveen Daryal, Advocate;
 Mr. Sandeep Berwal, Advocate;
 Mr. Ravi Verma, Advocate;

For the State of Haryana:

Ms. Shruti Jain Goyal, AAG, Haryana.

For the UoI:

Mr. Satya Pal Jain, Additional Solicitor General of India, with Mr. Alok Kumar Jain and Mr. Dheeraj Jain, Advocates.

RAJIV NARAIN RAINA, J. (ORAL)

This order will dispose of abovementioned writ petition as well as other connected writ petitions* tabulated at the foot of the order (totalling 61 writ petitions), as common questions of law and fact are involved in them, which can conveniently be decided by a common order.

In the life of these cases, the petitions have gathered more mass than merit and judicial attention they actually deserve and they can be concluded by directions to the State, whereby the public interest would be balanced with the interests of the petitioners, who have served in different capacities i.e. Dentists, Dental Surgeons, Lab Technicians, Staff Nurses, Social Workers, Sanitary –cum- Watchman etc. with the National Health Mission. The services of these petitioners were on contract basis. They have all been disengaged from service on the expiry of their respective contracts. In some of these cases, the petitioners have approached the Court during the currency of their contracts, as the grievance and the apprehension then was that the Government wanted to abolish these posts and in fact many of the posts were abolished, disregarding cases where one or more petitioners may be continuing on contract basis. For instance, Lab Technicians in Bhiwani in a case

represented by Mr. Mahender Singh Chahal, Advocate as pointed out by him.

Ms. Shruti Jain Goyal appearing for the State has explained the recent history of the Health Mission and the changed financial ratio and proportion of the expenditure towards the Mission borne by the Central Government and the State of Haryana. Earlier, the financial burden was shared 75 : 25, but later in the financial year 2015-16 it was changed to 60 : 40 – Centre and State. The State of Haryana has no dispute regarding sharing this burden. She submits that because of the interim orders passed in these cases, the Mission has been unable to fill up large number of posts numbering about 1500 required to run the Mission.

There can be no doubt that since the Mission is for public purpose, recruitment even on contract basis would have to satisfy the test of Article 16(1) and Article 14 of the Constitution of India, so that all eligible candidates have equal employment opportunity. The petitioners have worked for many years and the State of Haryana is prepared to make an allowance in the criteria for weightage towards past experience earned by the petitioners in these cases and non-petitioners from open market, who would have a right for consideration for appointment to the posts when they are advertised. The criteria of selection has been adopted by the Mission and Ms. Goyal states that criteria will be followed scrupulously and appointments will be made purely on merit with weightage for experience to those who have already worked in the Mission, as according to them they form a separate class. She clarifies that 5 marks have been allocated for Government/semi-Government experience and that would be in addition to experience under NHM for

which the present petitioners and their like would be entitled to 5 marks. In this manner, the petitioners would have weightage of 5 marks or 10 marks, as the case may be. She assures the Court that the generalized criteria will apply to all advertisements for filling up existing vacancies of different posts and those to be advertised. This satisfies the petitioners.

With these observations, all the petitions stand disposed of.

16.01.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*

Sr. No.	Case No.	Parties Name
1.	CWP No.9289 of 2014	Rajni Devi & others Vs. State of Haryana & others
2.	CWP No.21180 of 2014	Naveen Kumar & others Vs. State of Haryana & others
3.	CWP No.21669 of 2015	Vikas Redhu & others Vs. State of Haryana & others
4.	CWP No.23566 of 2015	Manisha & another Vs. State of Haryana & others
5.	CWP No.4935 of 2016	Sanjiv Kumar & others Vs. State of Haryana & others
6.	CWP No.6069 of 2016	Deepanshi Gupta & others Vs. State of Haryana & others
7.	CWP No.6506 of 2016	Varun Dheer & another Vs. State of Haryana & others
8.	CWP No.6570 of 2016	Deepti Bala & another Vs. State of Haryana & others
9.	CWP No.6619 of 2016	Vikas Sharma Vs. State of Haryana & others
10.	CWP No.6625 of 2016	Lalita & others Vs. State of Haryana & others
11.	CWP No.6740 of 2016	Shalini Walia & others Vs. State of Haryana & others
12.	CWP No.6748 of 2016	Tanu Sharma & others Vs. State of Haryana & others
13.	CWP No.6749 of 2016	Kamal & others Vs. State of Haryana & others
14.	CWP No.6751 of 2016	Amit & others Vs. State of Haryana & others
15.	CWP No.6808 of 2016	Satish Jain & others Vs. State of Haryana & others
16.	CWP No.6840 of 2016	Pankaj Pahawa & others Vs. State of

CWP No.5975 of 2016 (O&M)
and other connected matters

		Haryana & others
17.	CWP No.6891 of 2016	Hari Dutt & others Vs. State of Haryana & others
18.	CWP No.7087 of 2016	Karuna Sharma & others Vs. State of Haryana & others
19.	CWP No.7097 of 2016	Jyoti & others Vs. State of Haryana & others
20.	CWP No.7112 of 2016	Reena & others Vs. State of Haryana & others
21.	CWP No.7113 of 2016	Reeta & others Vs. State of Haryana & others
22.	CWP No.7133 of 2016	Swati Tehlan Vs. State of Haryana & others
23.	CWP No.7203 of 2016	Anuj Vs. State of Haryana & others
24.	CWP No.7233 of 2016	Aastha Prakash & others Vs. State of Haryana & others
25.	CWP No.7324 of 2016	Saroj Bala & others Vs. State of Haryana & others
26.	CWP No.7326 of 2016	Rinki Rani & others Vs. State of Haryana & others
27.	CWP No.7360 of 2016	Ami Ram Kaushik & another Vs. State of Haryana & others
28.	CWP No.7398 of 2016	Gurbaksh Singh & others Vs. State of Haryana & others
29.	CWP No.7413 of 2016	Liyakat Ali & another Vs. State of Haryana & others
30.	CWP No.7464 of 2016	Babita & others Vs. State of Haryana & others
31.	CWP No.7516 of 2016	Amit Kumar & others Vs. State of Haryana & others
32.	CWP No.7517 of 2016	Meenal Sharma & others Vs. State of Haryana & others
33.	CWP No.7518 of 2016	Jitender Kumar & others Vs. State of Haryana & others
34.	CWP No.7551 of 2016	Dharam Vir Sharma & others Vs. State of Haryana & others
35.	CWP No.7553 of 2016	Meena Devi & others Vs. State of Haryana & others
36.	CWP No.7618 of 2016	Rosi & others Vs. State of Haryana & others
37.	CWP No.7764 of 2016	Aparna Sharma & others Vs. State of Haryana & others
38.	CWP No.7771 of 2016	Rajesh Kumar & others Vs. State of Haryana & others
39.	CWP No.7778 of 2016	Deepti @ Dipti & others Vs. State of Haryana & others
40.	CWP No.7782 of 2016	Pinki Rani & others Vs. State of Haryana & others
41.	CWP No.7890 of 2016	Simta & others Vs. State of Haryana & others
42.	CWP No.8217 of 2016	Pardeep & another Vs. State of Haryana & others
43.	CWP No.8302 of 2016	Poonam & others Vs. State of Haryana & others

44.	CWP No.8348 of 2016	Kiran Devi & others Vs. State of Haryana & others
45.	CWP No.8754 of 2016	Sunita Rani & others Vs. State of Haryana & others
46.	CWP No.9007 of 2016	Aarif @ Mohd. Aarif Khan Vs. State of Haryana & others
47.	CWP No.9927 of 2016	Namita & others Vs. State of Haryana & others
48.	CWP No.9969 of 2016	Surender Kumar & others Vs. State of Haryana & others
49.	CWP No.11312 of 2016	Navdeep Dangi & others Vs. State of Haryana & others
50.	CWP No.12810 of 2016	Saroj Bal & others Vs. State of Haryana & others
51.	CWP No.19442 of 2016	Nisha Rani Vs. State of Haryana & others
52.	CWP No.22468 of 2016	Mukesh Kumar Vs. State of Haryana & others
53.	CWP No.25694 of 2016	Ravinder Kumar & others Vs. State of Haryana & others
54.	CWP No.521 of 2017	Sunil Kumar & others Vs. State of Haryana & others
55.	CWP No.1627 of 2017	Vinay Gupta Vs. State of Haryana & others
56.	CWP No.1714 of 2017	Sarita Devi Vs. State of Haryana & others
57.	CWP No.2185 of 2017	Suman Yadav Vs. State of Haryana & others
58.	CWP No.2901 of 2017	Anil Kumar Vs. State of Haryana & others
59.	CWP No.3966 of 2017	Reena & others Vs. State of Haryana & others
60	CWP No.26042 of 2017	Kamla Vs. State of Haryana & others

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[RAJIV NARAIN RAINA]
JUDGE