

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

CWP No.21458 of 2018 (O&M)

Date of Decision.13.08.2019

Dr. Vineet and others

...Petitioners

Vs

State of Haryana and others

...Respondents

Present: Dr. Vineet, petitioner No.1 in person.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Three petitioners have filed writ petition challenging terms and conditions of advertisement dated 26.07.2019 (Annexure P-3) whereby the State Health Society (Haryana) invited applications for B.A.M.S. Degree Holders for filling up 328 posts of Mid Level Health Providers-cum-Community Health Officers (MLHPs-cum-CHOs) on contract basis under National Health Mission Scheme for providing Comprehensive Primary health Care services at Sub Center level 'Health and Wellness Centres' upgraded under Ayushman Bharat in 11 districts in financial year 2019-20.

Mr. Vineet, petitioner No.1, in person submits that condition of calling applications from B.A.M.S. Degree Holders is not in consonance with the National Health Policy issued by the Ministry of Health and Family Welfare, Government of India wherein Clause 11.4 provides that mid-level services can be from Ayush doctors which consists of not only naturopathy Unani but homeopathy as well. Petitioners are B.H.M.S degree holders i.e. Bachelor of Homeopathic Medicine and Surgery and therefore, condition of advertisement is liable to be modified by giving chance to petitioners to compete for such posts.

I am afraid aforementioned contention of petitioners has no legs/foundation to stand. It is discretion of the Department to call applications from a particular category of degree holders. The aim of the policy is to improve health status through concerned policy action in all sectors and expand preventive, promotive, curative, palliative and rehabilitative services provided through the public health sector with focus on quality. Keeping in view change in health priorities, as per the introduction, the aim is to inform, clarify, strengthen and prioritize the role of the Government in shaping health system in all its dimensions, investments in health, organization of health care services, prevention of diseases and promotion of good health through cross sectoral actions, access to technologies, developing human resources, encouraging medical pluralism, building knowledge base, developing better financial protection strategies, strengthening regulation and health assurance.

Courts cannot interject in decision making process of the Department inviting application from a certain category. In view of such circumstances, I constrain myself from issuing directions to respondents as sought in writ petition. No ground for interference is made out. Writ petition is dismissed.

(AMIT RAWAL)
JUDGE

August 13, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No