

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7446 of 2010**

1. Gespal Sahu, aged about 37 years, S/o Shri Ajay Sahu, presently posted as Multi Purpose Health Worker at Community Health Center Masturi, District Bilaspur R/o Bandhawapara Near Satbahniya Mandir Sarkanda District Bilaspur, C.G.
2. Ganesh Ram Bareth, aged about 44 years, S/o Shri Kirtan Lal Bareth, presently posted as Multi Purpose Health Worker at Community Health Center Kathghora, Sub Health Center Surakachhar, District Korba, R/o Post-Bhairotal via Kusmunda, District Korba, C.G.
3. Remchand Patel, aged about 45 years, S/o Shri Yuvraj Singh Patel, presently posted as Dresser Grade-I at Community Health Centre, Damra, District Janjgir-Champa, R/o Damrapara (Kenabhata) District Janjgir Champa, C.G.
4. Smt. Manju Rahi, aged about 38 years, W/o Deepak Rahi, presently posted as Town Dispensary Gandhi Chowk, Bilaspur as Lady Health Worker R/o Nariyal Kothi, Dayalband, District, Bilaspur, C.G.
5. Ubhay Ram Sahu, aged about 45 years, S/o Shri Sahadev Sahu Presently Posted at Primary Health Centre, Maandar as Lab

Technician R/o Village and Post Devri Thana
Dharsiva Birgaon District Raipur, C.G.

----- **Petitioners**

Versus

- 1.State of Chhattisgarh, through the
Secretary, Health & Family Welfare,
Department, D.K.S. Bhawan, Raipur, C.G.
- 2.Director, Health Services, D.K.S. Bhawan,
Raipur, C.G.
- 3.Chief Medical Officer, Korba, C.G.
- 4.Chief Medical Officer, Janjgir-Champa, C.G.
- 5.Chief Medical Officer, Raipur, C.G.

----- **Respondents**

For Petitioners :- Mr. Harshmander Rastogi, Adv.
For State/Respondents :- Mr. Animesh Tiwari, Dy.
A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/07/2021

- 1.Proceedings of this matter have been taken
up through video conferencing.
- 2.Petitioners No.1, 2 & 5 are working as Multi
Purpose Health Worker, Petitioner No.3 is
working as Dresser, Petitioner No.4 is

working as Lady Health Worker, have filed the instant writ petition stating inter-alia that they have been selected by the respondent-authority for undergoing training of 1 year Pathology Technician / Lab Technician on their application vide Annexure P/2 and they have duly attended and completed the aforesaid training course and got it registered vide Annexure P/4 and, as such, they are entitled to be promoted on the post of Pathology Technician / Lab Technician and petitioners have called in question the advertisement vide Annexure P/10 dated 24.09.2010 for the post of Pathology Technician / Lab Technician on contractual basis.

3. The State has filed return stating that the petitioners are not entitled for the promotion on the post of Pathology Technician / Lab Technician as per the Departmental Selection Rules, 1989 and at the most they are entitled for promotion to the Health Supervisor and, therefore, the instant writ petition is liable to be

dismissed.

4. Mr. Harshmander Rastogi, learned counsel for the petitioners, submits that since petitioners have completed training for the post of Pathology Technician / Lab Technician, therefore, they are entitled to be promoted on the post of Pathology Technician / Lab Technician and advertisement deserves to be quashed.

5. Mr. Animesh Tiwari, learned State counsel, submits that though such promotion channel is not available for promotion to the post of Pathology Technician / Lab Technician, therefore, petitioners cannot be considered for the post of Pathology Technician / Lab Technician and, as such, writ petition deserves to be dismissed.

6. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

7. Respondents have come with a clear case that

according to the Departmental Selection Rules, 1989, the Multi Purpose Health Workers can be promoted on the post of Health Supervisor, whereas, the petitioners are seeking promotion on the post of Pathology Technician / Lab Technician. The petitioners have failed to demonstrate that they are entitled to be promoted on the post of Pathology Technician / Lab Technician, whereas, the State has clearly come out with a case vide Annexure R/1 i.e. supported by Departmental Selection Rules, 1989, that the Multi Purpose Health Workers cannot be promoted on the post of Pathology Technician / Lab Technician.

8. In view of the above facts of the case I do not consider it fit case to grant relief as prayed by the petitioners, accordingly, the instant writ petition is liable to be and hereby dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge