

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 2661 of 2021**

1. Dr. Aparna Mishra W/o Shri Anupam Mishra Aged About 42 Years Ayurveda Medical Officer, Govt. Ayurveda Aushadhalay Paunsara, Block Belha, District Bilaspur Chhattisgarh.

**---Petitioner(s)**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar , Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Directorate Of Ayurveda , Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayush) Purana Mantralaya Parisar Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Ayurveda Adhikari Block Belha, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

**---Respondents**

**WPS No. 2652 of 2021**

1. Dr. Prabhakar Tiwari S/o Shri Badri Bishal Tiwari Aged About 45 Years Posted At Primary Health Center Kunwarpur, Korla Chhattisgarh.

**---- Petitioner**

**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan , Atal Nagar , Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Directorate Of Ayurveda , Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayush) Purana Mantralaya Parisar Raipur Chhattisgarh.
3. District Ayurveda Officer Korla Chhattisgarh.

**---- Respondents**

**WPS No. 2654 of 2021**

1. Dr. Sunanda Goswami D/o Shri Narayan Bharti Aged About 49 Years W/o Mahindra Giri, Posted At Government Ayurveda Aushadhalay Bundela, Pamgarh, Janjgir- Champa, Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Directorate Of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayush) Purana Mantralaya Parisar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. District Ayurveda Adhikari Office Of District Ayurveda Officer, In Front Of District Hospital Janjgir- Champa, Chhattisgarh.

**---- Respondents**

**WPS No. 2662 of 2021**

1. Dr. Savita Golan W/o Dr. Narendra Golan Aged About 41 Years Ayurveda Medical Officer Govt. Ayurveda Aushadhalay Mohgaon, Block Pandriya, District Kabirdham Chhattisgarh.

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Directorate Of Ayurveda Yoga And Prakritik Chikitsa , Unani Siddha And Homeopathy (Ayush) Purana Mantralaya Parisar Raipur Chhattisgarh.
3. District Ayurveda Adhikari District Kabirdhaam Chhattisgarh.

---- Respondents

**WPS No. 2663 of 2021**

1. Dr. Nirmala Patel D/o Shri N L Patel Aged About 51 Years Ayurveda Medical Officer Govt. Ayurveda Medical Officer Govt. Ayurveda Aushadhalay Ranveerpur , Block S/ Lohara, District Kabirdham Chhattisgarh.

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Directorate Of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayush) Purana Mantralaya Parisar Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Ayurveda Adhikari District Kabirdhaam Chhattisgarh.

---- Respondents

**WPS No. 2664 of 2021**

1. Dr. Swati Agrawal D/o Dr. Manoj Agrawal Aged About 46 Years Govt. Ayurveda Aushadhalay Kukera, Dharsivan, Distt. Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. The Director Directorate Of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayush) Purana Mantralaya Parisar Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
3. District Ayurveda Adhikari Raipur (Chhattisgarh).

---- Respondents

**WPS No. 2665 of 2021**

1. Dr. Amit Kumar Pandey S/o Shri R S Pandey Aged About 39 Years Posted At Government Ayurvedic Dispensry Kamarjee Tehsil Bharatpur District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Directorate Of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayurveda) Purana Mantralaya Parisar Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Ayurveda Adhikari Korea Chhattisgarh.

---- Respondents

**WPS No. 3081 of 2021**

1. Dr. Anil Kumar Patel S/o Chitrasen Patel, Aged About 47 Years Posted As Government Ayurveda Aushadhalay Sakarra, Malkharoda, Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Director, Directorate Of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayurveda) Purana Mantralaya Parisar Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. District Ayurveda Adhikari, Office Of District Ayurveda Officer, In Front Of District Hospital Janjgir, Janjgir Champa Chhattisgarh.

---- **Respondents**

**WPS No. 3083 of 2021**

1. Dr. Chhatrapati Patel S/o Ghanshyam Patel Aged About 43 Years Posted At Government Ayurveda Aushadhalay Sapos, Dabhara, Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Director, Directorate Of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayurveda) Purana Mantralaya Parisar Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. District Ayurveda Adhikari, Office Of District Ayurveda Officer, In Front Of District Hospital Janjgir, Janjgir Champa Chhattisgarh.

---- **Respondents**

**WPS No. 3126 of 2021**

1. Dr. Shweta Marabi W/o Dr. Arvind Kumar Marabi Aged About 41 Years Govt. Ayurveda Aushadhalay Sikosa, District Balod Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. The Director Directorate of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (AYUSH) Purana Mantralaya Parisar Raipur Chhattisgarh
3. District Ayurveda Adhikari Balod Chhattisgarh.

---- **Respondents**

**WPS No. 3128 of 2021**

1. Dr. Satish Kumar Tiwari S/o Shri Mithila Prasad Tiwari Aged About 43 Years Posted At Government Ayurveda Aushadhalay Lakhali, Block Bamhanidih, Janjgir-Champa (Chhattisgarh).

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

2. The Director Directorate Of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayush) Purana Mantralaya Parisar Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
3. District Ayurveda Adhikari Office Of District Ayurveda Officer, In Front Of District Hospital Janjgir, Janjgir-Champa (Chhattisgarh).

---- Respondents

&

**WPS No. 3130 of 2021**

1. Dr. Chhaviram Singh Narwariya S/o Bhagwan Das Narwariya Aged About 45 Years Posted At Primary Health Center Pasta, Balrampur Chhattisgarh.

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Director Directorate Of Ayurveda, Yoga And Prakritik Chikitsa, Unani Siddha And Homeopathy (Ayurveda) Purana Mantralaya Parisar Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Ayurveda Officer Balrampur, Surguja Kedarapur, Ambikapur Chhattisgarh.

---- Respondents

---

|                 |   |                                                                                                                                                                        |
|-----------------|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioners | : | Shri Uttam Pandey, Advocate.                                                                                                                                           |
| For State       | : | Shri Amrito Das, Addl. Advocate General,<br>Shri Jitendra Pali, Dy. Advocate General,<br>Ms. Sunita Jain, Govt. Advocate and Ms.<br>Akanksha Jain, Dy. Govt. Advocate. |

---

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**29.06.2021**

1. Since identical facts and issues are involved in all these writ petitions, they are being disposed of by this common order.
2. The petitioners herein are Doctors working under the Ayurvedic Department of the State of Chhattisgarh. They are qualified Degree Holder having degree of BAMS. They were initially appointed as Ayurved Medical Officers in the year, 2003, 2006, 2007 and 2008. The appointment of the petitioners were on contract basis. The contract was for a fixed tenure of one year or till a regular appointment is made, whichever is earlier. However, since no recruitment were made, the government continued to renew the contract of the petitioners every year continuously till now and as such the petitioners have put in around 13-14 years of service.

3. The contention of the petitioners are the petitioners have discharged their duties with utmost commitment and have also been awarded and complemented on various occasions for outstanding work discharged by them particularly during this Pandemic period for last 1 and ½ years. The petitioners have now filed these writ petitions seeking for a direction to the respondents to consider their claim for regularization. According to the petitioners, there are large number of vacancies available for the petitioners to be regularized against regular sanctioned vacant post available in the department considering the experience and the length of service that the petitioners have gained for the last 13-14 years. The petitioners should be considered by the State for being regularized in service.
4. The counsel for the petitioners submits that the State Govt. time and again have been regularizing the services of daily wage employees who were never appointed under any rules, guidelines or instructions of the State Govt. yet after a considerable period of time the daily wage employees are getting regularized. However, the petitioners herein who have undergone due process of selection and were found meritorious at the time of selection and in the past 13-14 years of time they have been discharging exemplary service yet the respondents are not considering the claim of the petitioners for regularization. It is further contention of the petitioners that under the garb of contractual appointment the petitioners are made to work against the post which are otherwise to be discharged by a regular Ayurved Medical Officer and yet the petitioners are substantially denied of salary and incentive package which is otherwise payable to a regular Ayurved Medical Officer. The contention of the petitioners also is that there are many other States in India like State of Uttarakhand, Haryana and

Karnataka where the Govt. have already taken a policy decision for regularizing the contractual Ayurved Medical Officers. Therefore, the State of Chhattisgarh may also consider the claim of the petitioners in this regard. Thus, for all these reasons, the counsel for the petitioners prays for appropriate direction to the respondents to consider the claim of the petitioners for regularization.

5. The State counsel on the other hand submits that the petitioners are appointed under specific rules pertaining to contractual appointment. The order of appointment is very explicit so far as their tenure of service is concerned. It is also the contention of the State that the petitioners having accepted the conditions of appointment with wide open eyes cannot now be permitted to turn around and agitate for their claim for regularization. that it was also specifically mentioned in the order of appointment that by virtue of the contractual appointment the employee would not be permitted to raise a claim in this regard at a later stage. It was also the contention of the State counsel that even when the appointment of the petitioners were renewed every year, the extension also was specifically mentioning the fixed tenure. Thus, for all these reasons the petitioners do not have any legal right for regularization.
6. Having heard the contentions put forth on either side and on perusal of records, indisputably the petitioners have undergone due selection process and were found meritorious while being appointed. It is also not in dispute that the petitioners have put in more than decade of service though under contractual appointment. The services of the petitioners were definitely found to be satisfactory which is evident from the periodical extension of contractual engagement. There is also no dispute to the fact that there are sanctioned vacant post available under the State Govt..

7. Given the said facts, it is now for the State Govt. to take a decision whether they intend to consider the length of satisfactory service rendered by the petitioners particularly taking into consideration their service which were rendered during the Pandemic period for last 1 and ½ years and consider whether the petitioners could be regularized in service by taking appropriate policy decision or atleast the State Govt. can in the alternative consider for going in for filling up of regular post of Ayurved Medical Officer by giving some preferential treatment to the petitioners considering the length of service that they have rendered.
8. Let the petitioners in this regard raising their claim for regularization, move appropriate representation to the respondents No.1&2 who in turn shall take appropriate decision on the claim of the petitioners for regularization at the earliest preferably within a period of four months from the date of receipt of representation moved by the petitioners.
9. With the aforesaid observations, all the writ petitions stand disposed of.

Sd/-  
(P. Sam Koshy)  
**Judge**

inder