

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

Date of decision: November 14, 2022

1. CWP-5303-2022 (O&M)

Teena Yadav

.....Petitioner

versus

State of Haryana and others

.....Respondents

2. CWP-12894-2022 (O&M)

Rajesh Devi

.....Petitioner

versus

State of Haryana and others

.....Respondents

3. CWP-6326-2022 (O&M)

Mukesh Kumari

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajat Mor, Advocate,
Mr. Vikas Katal, Advocate for
Mr. U.K. Agnihotri, Advocate,
Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate for the petitioner(s).

Ms. Kirti Singh, DAG Haryana.

ARUN MONGA, J. (ORAL)

Vide this common order, bunch of above-mentioned three writ petitions are being disposed of, since not only the facts but also the law points and issues raised therein are similar. For brevity, recitals are being taken from CWP-5303-2022.

2. Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned final result dated 18.02.2022 (Annexure P-7) for the post of Multi-Purpose Health Worker/MPHW(F) in the Health Department, Haryana.

3. In earlier hearing held on 05.08.2022, following order was passed:

“At joint request, aforesaid four petitions are ordered to be segregated from the Bunch in which lead case is CWP No.4021-2022.

Respondent No.1 to file a specific affidavit, deposing as to what are the exact nature of duties assigned to Multi Purpose Health Workers (MPHW) vis-a-vis those of Auxiliary Nurse Midwifery (ANM), so as to determine if the experience rendered on thesetwo posts can be given due credence for giving the benefit of past experience.

My attention has been drawn to one illustrative experience certificate issued to one of the petitioners i.e. Ms. Teena Yadav, by Deputy Civil Surgeon (NHM)-cum-Member Secretary, District Health and Family Welfare Society, Sirsa, which has been tendered in Court, is taken on record and marked as Annexure ‘A’ wherein it is certified that she had been working as ANM (MPHW-F). Copy thereof has been supplied to learned State counsel. From a bare look at the certificate, it appears that both the posts involve similar nature of work. Learned State counsel to seek instructions in this regard.

Adjourned to 06.09.2022.

Photocopy of this order be placed on the connected case files.”

4. *Apropos*, an affidavit dated 12.09.2022 has been filed for and on behalf of respondent No.1, wherein following stand has been taken in Para-6 thereof:

“6. That perusal of the above said provision clearly goes to show that before commencement of these rules, the nomenclature of Multipurpose Health Worker (Female) was Auxiliary Nurse Midwives. However, work and duties remained the same which are as follows:

“1. The Workers (Male & Female) are supported (sic) to stay at the S/C Village Catre to the-Health and Family Welfare Services needs of the population of their area.

2. *He is supported to look after family Planning Services.*
3. *He looks after Vector Borne Diseases Control Programme i.e. NVBDCP as per duties mentioned under point 3.1 of Operation Manual of Malaria Action Plan (Annexure 'A').*
4. *To help and Co-ordinate Immunization Work in their area.*
5. *To propagate and educate public about Environmental Sanitation and Nutrition.*
6. *To provide Health Education Health Care to allotted population.*
7. *To collect and submit Information on notifiable diseases in their area.*
8. *Collection of data for vital health statistics*
9. *To help in Training of the traditional Dais, Teacher, ASHA Workers and other personal in their assigned areas.*
10. *Prepare monthly reports about their work at PHC/CHC/District Level.*
11. *To attend monthly/ Fortnightly or other Meetings as and when directed/ ordered.*
12. *To organize health camps in villages of their area.*
13. *Any other Duty assigned to him by concerned officer.”*

5. In view of the aforesaid, I see no reason why the petitioner(s) be not accorded the benefit of their claim *qua* work experience as Auxiliary Nurse Midwifery (ANM). Concededly, the stand taken in the affidavit is that nature and duties of ANM is akin to that of MPHW.

6. Accordingly, writ petitions are disposed of with expectation that the petitioners, who have worked as ANM, shall be treated on parity with MPHW and shall be accorded the benefit of experience for service rendered by them for the purposes of giving them benefit of work experience. Needless to say that in case their claim after verification is found to be genuine with respect to the period of services which they have rendered as ANM, the respondents will take further steps to revise the meritlist.

7. Necessary exercise be carried out within a period of 3 months from today.
8. In case, pursuant to the revised meritlist, petitioner(s) are found to be more meritorious than the last selected candidate in their respective categories, they shall be entitled to all the notional benefits w.e.f. the same date as the other candidates pursuant to the same advertisement were appointed, but shall not be entitled to any monetary benefits.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

November 14, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No