**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE BASANT BALAJI**

**THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946**

**WP(C) NO. 22106 OF 2023**

**PETITIONER/S:**

**DR.JOSON JACOB AGED 60 YEARS SON OF A.J. JACOB, ADHIKARAM HOUSE, EZHUMUTTOM P.O., THODUPUZHA, IDUKKI DISTRICT, PIN - 685605**

**BY ADV ANILA UMESH**

**RESPONDENT/S:**

1 **STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, AYUSH (A) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**

2 **DIRECTOR NATIONAL HEALTH MISSION, AROGYA BHAVAN, P.B. NO. 182, THIRUVANANTHAPURAM, PIN - 695001**

3 **DIRECTOR STATE MISSION, NHM AND NRHM, THIRUVANANTHAPURAM, PIN - 695001**

4 **DISTRICT PROGRAM MANAGER NATIONAL HEALTH MISSION, IDUKKI, PIN - 685603**

**OTHER PRESENT:**

**SC SRI. M. AJAY, GP SRI. ANIMA. M**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 7.07.2023, THE COURT ON 25.7.2024, ALONG WITH WP(C).16787/2024 DELIVERED THE FOLLOWING:**

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE BASANT BALAJI**

**THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946**

**WP(C) NO. 16787 OF 2024**

**PETITIONER/S:**

**DR.ALPHONSA P.P. AGED 59 YEARS W/O.JOY JOSEPH, NHM MEDICAL OFFICER, AYUSH NHM PHC MADAKKIMALA, MUTTIL GRAMA PANCHAYATH, MADAKKIMALA P.O. WAYANAD 673122 RESIDING AT KEERAMPANAL HOUSE, KALPATTA P.O., WAYANAD, PIN - 673121**

**BY ADVS. KALEESWARAM RAJ CHINNU MARIA ANTONY**

**RESPONDENT/S:**

1 **UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF HEALTH & FAMILY WELFARE, ROOM NO. 201-D, NIRMAN BHAVAN, NEW DELHI, PIN - 110011**

2 **SECRETARY TO GOVERNMENT, DEPARTMENT OF HEALTH & FAMILY WELFARE, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**

3 **STATE MISSION DIRECTOR , KERALA NATIONAL HEALTH MISSION DEPARTMENT OF HEALTH AND FAMILY WELFARE GOVERNMENT OF KERALA, GENERAL HOSPITAL JN., THIRUVANANTHAPURAM, PIN - 695035**

4 **STATE PROGRAMME MANAGER(NHM), NATIONAL AYUSH MISSION, IST FLOOR, DEEPA ARCADE, GENERAL HOSPITAL JN., THIRUVANANTHAPURAM, PIN - 695035**

5 **DISTRICT PROGRAM MANAGER OFFICE OF DISTRICT PROGRAMME MANAGER, KALPETTA P. O. WAYANAD, KERALA, PIN - 673122**

**BY ADV M. AJAY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.4.2024, , THE COURT ON 25.7.2024, ALONG WITH WP(C).22106/2023, DELIVERED THE FOLLOWING:**

# JUDGMENT

(W.P(C) Nos. 22106 of 2023 and 16787 of 2024)

Dated this the 25th day of July 2024

The issue in both cases is related to fixing the upper age as 60 for Ayurvedic and Homeopathic Doctors, while the Allopathy doctors are allowed to continue beyond that age. Therefore, these two writ petitions are heard together, and a common judgment is passed.

2. The facts in W.P.(C) No. 22106 of 2023 are stated below-:

The petitioner is a qualified Ayurvedic Medical Practitioner employed under the National Rural Health Mission of National Health Mission and National Ayush Mission and posted at Idukki district on a contract basis. He joined the service on the *bonafide* belief that his service conditions would be on par with that of Allopathic Doctors as directed by the apex Court in SLP No. 33645 of 2018 dated 24.03.2022. The third respondent issued an order dated 13.07.2021, which shows that

the Ayurvedic Doctors have to exit from service upon attaining the age of 60. In contrast, the MBBS Doctors can continue up to 67 in backward districts and 62 years in other districts. Pointing out the clear discrimination, the petitioner filed a representation relying on the orders passed by the apex court to recommend equal treatment in case of service conditions. Because of the non-consideration of the representation filed by the petitioner, he along with some others approached this Court by filing W.P.(C) No. 11109 of 2023 and by Ext.P5 judgment dated 11.4.2023, this Court directed the Governing Body of the National Health Mission, to decide the matter within a period of 3 months. Though the respondents took no decision, the 4th respondent issued an order dated 01.04.2023 extending the service of the petitioner and others up to 31.03.2024 on a contract basis. If Ext.P5 judgment is duly complied, the petitioner and similarly situated persons will be entitled to continue up to the age of 70 years. The respondents passed an

order dated 05.10.2023 claiming to be in compliance with the directions in Ext.P5 judgment. Therefore, the petitioner prayed for the following reliefs:-

> "i. To call for the records leading to Ext.P1 to P6 documents and issue a writ of mandamus or any other appropriate writ, direction or order directing the Respondents to take urgent steps based on Ext.P1 judgment of the Honourable Supreme Court of India and Ext.P5 judgment of this Hon'ble Court to avoid discrimination of Ayurvedic Doctors from Allopathic Doctors in the service conditions which will adversely affect the fundamental right of the petitioner for equal treatment in the case of his service as declared by the Honourable Supreme Court in Exhibit P-1 judgment;
> ii. To issue a declaration that the petitioner is entitled to get an equal treatment in the case of all service conditions with that of the MBBS Doctors as directed by the Honourable Supreme Court of India in Exhibit P1 judgment and allow him to continue upto the age of 70 years;
> iii. to declare that apart from his entitlement for equal treatment, the petitioner is also entitled to continue in service upto 31.03.2024 even on the basis of Exhibit P-6 contractual appointment;
> iv. To call for the records leading to Ext P-12 order and quash the same as unsustainable as the same is not in proper compliance with the Ext.P-5 judgment of this Hon'ble Court and Ext. P-1 judgment of the Hon'ble Supreme Court.
> v. To issue any other appropriate writ, order or direction to meet out justice under the circumstances of the above case;"

3. A counter affidavit has been filed by the 2nd respondent in W.P.(C) No.22106 of 2023 stating that the

National Health Mission (NHM) is a mission, a joint venture between the Central and State Governments with monetary contributions made by both Governments. The NHM does not have permanent employees under its rolls. It has at its apex, the National Health Mission, State Health & Family Welfare Society (which in Kerala is popularly known as 'Aarogyakeralam') in State level and in the District level as District Health & Family Welfare Societies registered in each District. The programme for each financial year has to be submitted by the State Mission in advance every year by way of programme implementation proposals, which has to receive approvals from NHM India. Only if a particular programme is approved for the next financial year in the record of proceedings by NHM, India, can NHM Kerala run it in the subsequent financial year. The NHM Kerala does not have a regular cadre of employees, service Rules or Special Rules governing its employees. Apart from a few critical posts to

which employees are deputed from the Central Government, the State Government or from institutions under them, all other employees under NHM are engaged on contract. All contracts almost invariably commence on the 2nd of April of every financial year till the 31st of March of the next year or until the employee's service is no longer required. Suppose at the end of the financial year, the post for which the employee is engaged on a contract basis is approved by NHM India for the next financial year, and the funds for the engagement of the said employee are available, the employees are offered a fresh contract with a break on the 1st of April of the next financial year, provided the employee clears performance appraisal as fixed by NHM Kerala in consultation with NHM, India. The petitioner was engaged and employed as a Medical Officer (Ayurveda) under a selection process conducted by the State unit. The said engagement is only on a purely temporary basis on contract. The contract offered by NHM expires on the 31st

day of March of the financial year, for which the contract was entered into or if it is terminated earlier under the terms of the contract or under the Rules and Regulations of the NHM in force for the time, the applicability of which is also incorporated in the contract of engagement. A true copy of the contract entered by the petitioner and the 4th respondent was also provided and marked as Ext.R2(a), which specifies that the engagement period is from 02.04.2023 to 31.03.2024 unless the engagement is terminated earlier.

4. The engagement can be terminated by either giving 15 days' notice or pay in lieu of written notice for any shorter notice period without either side assigning any reasons whatsoever. The petitioner and six others had approached this Court by filing W.P.(C) No. 11109 of 2023, and this Court directed the Governing Body of NHM to take a decision. The petitioner has again approached this Court with this writ petition seeking the same relief, which was also prayed in

W.P.(C) No. 11109 of 2023, which this Court declined and therefore, the principles of *re judicata* and constructive *re judicata* bars the petitioner from agitating the same before this Court.

5. The petitioner, who has not completed the age of 60, was offered a contractual engagement for 2023-2024. The petitioner will attain the age of 60 on 31.07.2023; therefore, his service will end on that day. The Governing Body of NHM decided that the maximum age of engagement for employees of NHM in its meeting held on 23.12.2016 and the decision is produced as Ext.R2(b). When instances were brought to the notice of the respondents that the maximum age limit for engagement of personnel on contract by the NHM as decided in Ext.R2(b) was not being followed, an order dated 13.07.2021 was issued by the respondents stating that if any contractual engagements are being continued beyond the age limit, such contract should be put to an end from financial year

2022-2023. The issue regarding the exit age of NHM employees engaged in the contract had been relegated by this Court to the Governing Body for decision. The petitioners cannot agitate the same issue by filing another writ petition before this Court. From 01.01.2017 to 30.06.2023, the NHM had sanctioned the engagement of 780 MBBS Doctors, and only 759 are presently engaged on contract. To select the 759 Doctors, 248 selection processes were conducted. While 3401 engagement orders were issued, only 2554 Doctors joined with contractual engagement with 983 Doctors who were offered contractual engagement failed to turn up and 1812 MBBS Doctors who were engaged on contract, left the contract of employment after joining the duty with the NHM. As far as Specialist Doctors are concerned, out of 126 sanctioned contractual posts of Specialist Doctors, there are only 91 Specialist Doctors who are on contractual engagement. While 185 engagements were ordered, only 155 took up

employment, and 32 Specialist Doctors failed to turn up and 71 Specialist Doctors left contractual employment after joining duty with the NHM. There is an apparent dearth of Allopathic doctors, while there is a massive rush in the case of Ayurveda and Homeopathic doctors. Due to the above statistical figures, a policy decision was taken to enhance the age of Allopathic Doctors to keep the age of others at 60 years. Therefore, prayed for the dismissal of the Writ Petition.

6. A reply affidavit is filed to the counter affidavit filed by the 2nd respondent, in which it is contended that the Doctors are employed for one year, which is incorrect. The contract is entered for a minimum period of 3 years. The petitioners had approached this Court again when the respondents had issued Ext.P6 order without complying with the directions in Ext.P5 judgment. The respondents are abusing the process of this Court by not complying with the judgment of this Court and

issuing termination without complying with the directions.

7. Heard the learned counsel for the petitioners, Smt.Anila Umesh, Smt.Thulasi K. Raj and the learned Government Pleader Smt.Anima.M and the learned Standing Counsel appearing for the respondent 3 to 4, Shri. M.Ajay.

8. The learned counsel for the petitioners relied on the judgment of the apex Court in ***North Delhi Municipal Corporation v. Dr Ram Naresh Sharma and others (2021) 17 SCC 642),*** *p*articularly, paragraphs 22 and 23 of the said judgment and held that the apex Court had an occasion to consider the classification of Ayush Doctors and Doctors under CHS in different categories and held that the Doctors under the both Ayush as well as CHS, render services to patients and there is nothing to distinguish them. Therefore, there is no rational justification seen for having different dates for bestowing the benefit of extended age of superannuation to these two categories of Doctors and thus, the order of AYUSH

Ministry on 24.11.2017 must be retrospectively applied from 31.05.2016 to all the Doctors concerned. The learned counsel for the petitioners argued that since the apex Court has already decided that there is no justification for prescribing two different ages of superannuation, the respondents have no authority to prescribe the maximum age limit of Ayurvedic and Homeopathic Doctors as 60 and not to extend the period of the contract thereafter.

9. The counsel for the petitioners also relied on the judgment of the apex Court in **State of Uttarakhand and others v. Dr. Sanjay Singh Chauhan and others** (***SLP No.*33645 of 2018**) wherein the apex Court has held that the Ayurvedic Doctors will be entitled to be treated in par with Allopathic Medical Officers and Dental Medical Officers under the National Rural Health Mission Scheme.

10. The counsel for respondents 2 to 4 has argued that the question involved in **North Delhi Municipal**

**Corporation** (supra) was whether the decision taken by the Government to enhance the age of retirement of Ayurvedic Doctors as per order dated 24.11.2017 is to be given retrospective effect from 31.05.2016, the date on which the Allopathic Doctors age was enhanced and therefore, the Court did not go into the question whether there was any difference in age of exit of Ayurvedic doctors and Allopathic Doctors since the Government has taken a policy decision to have parity in the exit age of both the Doctors. Therefore, the facts of the ***North Delhi Municipal Corporation*** *(Supra)* are entirely different, and the dictum cannot be applied to the facts of these cases. He also argued that the Division Bench of this Court had occasioned to consider the dictum laid down in ***North Delhi Municipal Corporation*** *(Supra)* and has distinguished the same, which was taken before the apex Court. The Court did not interfere with the judgment of the Division Bench but only directed the state to make a policy

decision on the matter. There was a massive rush of young doctors who were ready to come to the stream and work on a contract basis, whereas there was a dearth in the case of allopathic and specialist doctors. A conscious decision was taken by the Governing Body to fix the age of superannuation of Ayurvedic as well as the Homeopathic Doctors as 60.

11. In ***North Delhi Municipal Corporation*** *(Supra)*, the Government of India Ministry of Health and Family Affairs issued an order on 31.05.2016 enhancing the age of superannuation of Specialists of non-teaching and Public Health Cadres of CHS and GDMOs of CHS up to 65 years following which there was an amendment to the fundamental Rules 1922 by Gazette notification of the Department of Personnel Training. The NDMC adopted the Government of India order by issuing an office order dated 30.06.2016, enhancing the retirement age to 65 years for the Allopathic Doctors working in NDMC. This led to the filing of several

original applications by the Ayurvedic Doctors before the Tribunal. The Tribunal accepted the discrimination argument and held that the Ayurvedic Doctors are entitled to the same service conditions, including the enhanced age of superannuation, which is 65 years. Aggrieved by the decision of the Tribunal, the North Delhi Municipal Corporation preferred the Writ Petition before the High Court of Delhi, and during the pendency of the Writ Petition, the Government of India issued an order whereby the superannuation age of AYUSH Doctors were also enhanced to 65 years. But it was held that it was only prospective. The question before the apex Court was whether the order dated 24.11.2017 extending the age of superannuation to 65 years to the AYUSH Doctors should be given retrospective effect from 31.05.2016. This was the only issue before the apex Court, and the apex Court entered no finding as to whether the Doctors coming under Ayurveda, as well as that of Allopathy, can have two different

age of superannuation because the Government has taken a policy decision to fix the age of superannuation of both at 65.

12. The Division Bench of this Court in **State of Kerala v. Dr K. Muhammad Akbar [2022 (4) KHC 561]** had an occasion to consider the same issue. The age of retirement of the Allopathic Doctors, Ayurveda, and other systems of medicine was uniform till 2017, fixed at 56 years. By an executive order dated 28.11.2017, the retirement age of Allopathic Doctors in the state's health department was enhanced to 60, but no decision was made regarding Doctors in the AYUSH department. So, they approached the State Administrative Tribunal, alleging discrimination and seeking a direction to extend the benefits of an enhanced retirement age to them. The Tribunal disposed of the O.A. with a direction to the State Government to consider the grievance of the applicants. The Government rejected the request on the ground that the State Government has not taken a policy

decision with regard to enhancing the age of retirement of Doctors in the AYUSH department.

13. In the second round, the Tribunal, relying on the judgment of the apex Court in ***North Delhi Municipal Corporation*** *(Supra)*, directed the State Government to enhance the retirement age of Doctors in the AYUSH department to 60 years as in the case of the Doctors in the health department. The said order was challenged before a Division Bench of this Court, and the Division Bench set aside the impugned order of the Administrative Tribunal and directed the Government to consider the representation preferred by the applicants as fresh within the outer limit of 3 months. One of the Associations, which was a party before the Division Bench, took the matter before the apex Court in Special Leave Petition No.12507 of 2022 and, by order dated 25.07.2022, disposed of the SLP as follows:-

> "Mr. Jayadeep Gupta, learned Senior Counsel for the State of Kerala assures that an appropriate policy decision will be taken by the

competent authority within the time stipulated in the High Court order.

In this view of the matter, we do not deem it necessary to express any opinion on merits of the cases at this stage and reiterate that the State of Kerala shall take its policy decision in respect of the age of retirement of Doctors in the AYUSH department within the time accorded by the High Court.

If the petitioners of any other category of Doctors are left with any grievance after such policy decision they shall be at liberty to invoke the appropriate jurisdiction."

14. Thereafter, the Government took up the matter again and passed an order dated 27.09.2022, declining the request of the Doctors to enhance the age of superannuation. The said rejection was challenged before the Kerala Administrative Tribunal, in O.A No.666 of 2023, and by order dated 26.04.2023 it was dismissed. The petitioners approached this Court by filing O.P.(KAT)No.233 of 2023, and this Court confirmed the order of the Tribunal as follows:-

"3. The age of the retirement is a policy decision of the Government. There cannot be any dispute with regard to the fact that both Doctors are performing different duties and they cannot be equated in terms of responsibilities and duties. The Apex Court in **State of Gujarat v. Doctor P.A.Bhatt (2023) SCC online SC 503** kept distinction in mind while sustaining a challenge made by the State of Gujarat as against the order of the High Court of Gujarat to treat BAMS Degree holders (Bachelor of Ayurveda in Medicine and Surgery) at power with the Doctors

holding MBBS Degree. The Apex Court held that they have to be treated separately for the purpose of service conditions including pay and other benefits.

4. In the light of the above judgment, it is futile to argue that the Medical Doctors under the Health Service Department and Medical Officers under the AYUSH Department have to be treated at par. In the light of the fact that the Government is not proposing to enhance the age of Medical Officers under the AYUSH department, the Court cannot compel Government to enhance the age of such Doctors. The parameters of judicial review is limited, the Government having refused, the Court can only interfere with such decision only when the Court is able to form an opinion that both categories of doctors formed in the same class and they cannot be distinguished or separated by any rational norms."

5. Having found that there form a distinct class with distinct responsibilities and duties, the Government is justified in declining the request for enhancement of age. We find no reason to interfere with the order of Tribunal. Thus the original petitions are dismissed."

15. In **State of Gujarat v. Dr.P.A.Bhatt, (2023 SCC Online SC 503),** the question that came up before the Apex Court was whether the Doctors having a degree of BAMS should be treated at par with Doctors holding MBBS Degrees in respect of benefits of the recommendation of the Tikku Pay Commission. After elaborately considering the issue, it was held by the Apex Court as follows in paragraphs 49 to 54:-

"49. Therefore, we have no doubt, that every alternative system of medicine may have its pride of place in history. But today, the Practitioners of indigenous system of medicine do not perform complicated surgical operations. A study of Ayurved does not authorise them to perform these surgeries.

50. Similarly a post-mortem or autopsy is not carried out by/ in the presence of Ayurved Doctors. Section 174 of the Criminal procedure Code, 1973 deals with the procedure for the Police to inquire and report on suicide, etc. Subsection (3) of Section 174 mandates that the Police Officer shall subject to such rules as the State Government may prescribe forward the dead body with a view to its being examined, **to the nearest Civil Surgeon or other qualified medical man** appointed in this behalf by the State Government in certain types of cases such as (i) suicide by a women within seven years of marriage; (ii)death of a women within seven years of marriage in certain circumstances; and (iii) cases where there are any doubts regarding the cause of death.

51. Section 176 of Cr.P.C deals with inquiry by Magistrates into cause of death. Sub Section 5 of Section 176 uses similar words namely "*Civil Surgeon or other qualified medical man*" We do not think that AYUSH Doctors are normally notified as competent to perform post mortem.

52. It is common knowledge that during out-patient days (OPD) in General Hospitals in cities/towns, MBBS doctors are made to attend a hundreds of patients, which is not the case with Ayurved doctors.

53. In the comparative chart extracted in para 41 above, the State of Gujarat have claimed that IV injections and ART injections cannot be administered by Ayurveda Doctors.

54.Therefore even while recognizing the importance of Ayurved Doctors and the need to promote alternative/indigenous system of medicine we cannot be oblivious of the fact that both categories of Doctors are certainly not performing equal work to be entitled to equal pay. Hence issue No.2 have to be answered in favour of the appellant-State and against the respondents."

Thus, the Apex Court has found that, even though the Ayurveda and MBBS Doctors are termed as Doctors, they are not performing the same duties, which entitles them to equal pay, and there can be a difference in pay between Doctors. A similar issue regarding stipends paid to Ayurveda Doctors as well as Allopathy stream also came before the Apex Court in **State of Madhya Pradesh v. Vijay Kumar Tiwari (2024 SCC OnLine SC 24)** in which the Apex Court held that since the nature of duties discharged by both Post Graduates students in Ayurveda stream is not the same as that of Post Graduates students in Allopathic stream, there can be difference in the stipend.

16. An order passed by the Governing Body as directed by the Apex Court in SLP No.12507 of 2022 was challenged before the Kerala Administrative Tribunal, and the Tribunal dismissed the same, holding that there was no discrimination that did not interfere with the order. The same was the subject

matter before this Court in O.P. (KAT) No.233 of 2023, and this Court in ***Dr.Bindu K.K.*** **v.** ***State of Kerala and others [(2023) SCC online Ker 10884]*** had dismissed the same without interfering. The said judgment of the Division Bench has become final as it is not challenged before the Apex Court. When the claim of enhancement of superannuation age of Ayurveda as well as Homoeopathic Doctors to be par with Allopathic Doctors was declined by the Division Bench of this Court and has become final, the Writ petitioners are not entitled to any of the reliefs from this Court, more so when the Apex Court has found in **Dr P.A.Bhatt** (supra) as well as in **Vijay Kumar Tiwari** ***(supra)*** *that* there can be different pay scales to Ayurveda Doctors as well as Allopathic Doctors and also relying on the judgment of the Apex Court in **Dr. Prakasan M.P. v. State of Kerala (2023 SCC Online SC 1074)** an overall consideration of the facts and circumstances of the case and the decisions of the Apex Court as well as the

Division Bench of this Court, I am of the considered opinion that the petitioners are not entitled to any of the reliefs from this Court. Consequently, the Writ Petitions stand dismissed.

Sd-

**BASANT BALAJI, JUDGE**

Anu/dl

**APPENDIX OF WP(C) 16787/2024**

**PETITIONER EXHIBITS**

**Exhibit P1** **TRUE COPY OF ORDER NO. E1-692/2010/DMOW DATED 04.08.2010 ISSUED BY THE DISTRICT MEDICAL OFFICER, WAYANAD.**

**Exhibit P2** **TRUE COPY OF ORDER NO. DPMSU-WYND/472/CDEO/2022/DPMSU DATED 02.07.2022 ISSUED BY THE DISTRICT PROGRAM MANAGER, WAYANAD.**

**Exhibit P3** **TRUE COPY OF THE ORDER NO. DPMSU-WYND/528/CDEO/2023/DPMSU(II) DATED 02.04.2023 ISSUED BY THE DISTRICT PROGRAM MANAGER.**

**Exhibit P4** **TRUE COPY OF THE ORDER NO. NHM/1558/ADMIN1/2024/SPMSU DATED 27.03.2024 ISSUED BY THE STATE MISSION DIRECTOR.**

**Exhibit P5** **TRUE COPY OF ORDER NO. NHM/4827/ADMIN1/2019/SPMSU DATED 13.07.2021 ISSUED BY THE STATE MISSION DIRECTOR.**

**Exhibit P6** **TRUE COPY OF ORDER NO. NHM/4827/ADMIN1/2019/SPMSU DATED 28.02.2023 WAS ISSUED BY THE STATE MISSION DIRECTOR**

**Exhibit P7** **TRUE COPY OF G.O. (MS) NO.01, DATED 13.01.2022**

**Exhibit P8** **TRUE COPY OF THE REPRESENTATION DATED 20.02.2024 SUBMITTED BY THE PETITIONER TO THE STATE MISSION DIRECTOR**

**APPENDIX OF WP(C) 22106/2023**

**PETITIONER EXHIBITS**

**Exhibit P1** **TRUE COPY OF ORDER OF THE HON'BLE SUPREME COURT OF INDIA IN SLP NO. 33645 OF 2018 DATED 24.3.2022**

**Exhibit P2** **TRUE COPY OF THE ORDER NO. NHM/4827/ADMIN1/2019/SPMSU DATED 13.7.2021**

**Exhibit P3** **TRUE COPY OF RECOMMENDATION NO. D1-185064/2022 DATED 27.04.2022 BY THE 3RD RESPONDENT BEFORE THE 1ST RESPONDENT**

**Exhibit P4** **TRUE COPY OF THE REPRESENTATION DATED 2.3.2023**

**Exhibit P5** **TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 11109 OF 2023 DATED 11.4.2023 OF THIS HON'BLE COURT**

**Exhibit P6** **TRUE COPY OF THE ORDER NO. DPMSU-IDKI/363/OS/2019/DPMSU(III) DATED 1.4.2023**

**Exhibit P7** **TRUE COPY OF THE ORDER NO. DPMSU-IDKI/363/OS/2019/DPMSU (1), DATED 10.7.2023,**

**Exhibit P8** **TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 13.7.2023**

**Exhibit P9** **TRUE COPY OF THE REQUEST LETTER SENT BY THE WELFARE STANDING COMMITTEE CHAIRMAN OF THE IDAVETTI GRAMA PANCHAYAT TO THE DISTRICT PROGRAM MANAGER OF AROGYA KERALAM IDUKKI DATED 26.6.2023**

**Exhibit P10** **True copy of the recruitment notice that appeared in the official website of the 2nd respondent**

**Exhibit P11** **True copy of the judgment in Writ Petition (Civil) No. 484 of 2014 (S/B) dated 3.4.2018 of the High Court of Uttarakhand at Nainital**

**Exhibit P12** **TRUE COPY OF ORDER DATED 5.10.2023 PASSED BY THE 3RD RESPONDENT CLAIMING TO COMPLY WITH THE DIRECTION OF THIS HON'BLE COURT IN EXHIBIT P5 JUDGMENT**

**Exhibit P13** **A TRUE COPY OF THE COMMUNICATION NO. NHM/4834/CON(ADMIN)2023/SPSMU ISSUED BY THE 3RD RESPONDENT TO THE 4TH RESPONDENT DATED 17.4.2024**

**Exhibit P14** **A TRUE COPY OF THE ORDER NO. DPMSU-IDKI/79/OS/2019/DPMSU, DATED 30.3.2024 PASSED BY THE 4TH RESPONDENT DATED 30.3.2024**

**Exhibit P15** **TRUE COPY OF THE REPLY TO EXHIBIT P14 ORDER GIVEN BY THE PETITIONER TO THE 4TH RESPONDENT DATED 30.3.2024**

**Exhibit P16** **A TRUE COPY OF THE REQUEST LETTER DATED 10.4.2024 MADE BY THE PETITIONER TO THE 4TH RESPONDENT**

**Exhibit P17** **A TRUE COPY OF THE REQUEST MAIL MADE BY THE PETITIONER TO THE RESPONDENT DATED 18.4.2024**

**RESPONDENT EXHIBITS**

**EXHIBIT-R2(b)** **A true copy of the decision of the Governing Body meeting of the NHM dated 23.12.16.**

**EXHIBIT-R2(c)** **A true copy of the communication of the State Mission Director, NHM to all District Program Managers, NHM dated 6.2.17**

**EXHIBIT-R2(d)** **A true copy of the order NHM/4827/ADMIN I/2019/SPMSU dated 13.7.21**

**EXHIBIT-R2(e)** **A true copy of the Order of the Hon. Supreme Court in SLA(C) 12507/22 dated 25.7.22**

**EXHIBIT-R2(a)** **.A true copy of the contract entered into between the petitioner and the fourth respondent**