



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 482 OF 2023

Shri. Mahendra S/o Hunsing Chavan
Age : 38 years, Occu.: Nil,
R/o : Plot No. 8, ARK City, Waghoda,
Nandurbar, Tq. and District Nandurbar.

... Petitioner

VERSUS

1. The State of Maharashtra,
Through the Secretary,
Public Health Department, Mantralaya,
Mumbai-32.
2. The Director,
Public Health and State Blood Transfusion Council,
Ravindra Annex, 5th Floor, Dinshaw Wacchha Road,
Churchgate Reclamation, Mumbai-400020.
3. The Assistant Director,
Public Health and State Blood Transfusion Council,
Ravindra Annex, 5th Floor, Dinshaw Wacchha Road,
Churchgate Reclamation, Mumbai-400020.
4. The District Civil Surgeon,
Civil Hospital, Nandurbar,
Tq. and District Nandurbar.

... Respondents

...

- **Shri. Yogesh B. Bolkar**, *Advocate for the Petitioner*
- **Ms. P. J. Bharad**, *AGP for Respondent Nos. 1 to 4*

...

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 19.03.2025

ORDER (MANGESH S. PATIL, J.) :

. Heard learned advocate for the petitioner.

2. The petitioner was engaged on contractual basis as a medical social worker in a 'Blood on Call Scheme', which was closed down with effect from 31.03.2022 and being out of employment, the petitioner has filed this petition questioning the Government Resolution dated 18.01.2022, whereby the decision was taken to close down the scheme and is challenging the consequential orders issued by the District Civil Surgeon, Civil Hospital, Nandurbar, dated 01.03.2022, the Director Public Health and State Blood Transfusion Council, Mumbai, dated 30.03.2022, and further seeking reinstatement, absorption, and regularization, considering the length of services rendered by him with effect from 01.01.2014.

3. Learned advocate Mr. Bolkar would stress the need of blood transfusion and the blood components. He would take us through the objective of the scheme and would demonstrate as to how the petitioner, as a medical social worker, was engaged on contract basis and could render excellent services. He would also urge that the scheme, which was in the best interest of public health, has been abruptly brought to an end without any reason and that would be against the societal interests.

4. Having considered the submissions of the learned advocate Mr. Bolkar and having perused the record, it is quite evident that it would be in the realm of the policymakers to understand the efficacy of any such scheme. While exercising the powers under Article 226 of the Constitution of India, the High Court has inherent limitations in scrutinizing the policy decisions of the executive. The policies are decided by people's representatives and it would be appropriate that such decisions are left to the wisdom of the policymakers.

5. One need not ever emphasize the fact that the demand for blood and its components has been ever increasing. However, without there being any objective material to demonstrate that such a 'Blood on Call Scheme' needed to be continued. To repeat, it would not be for the High Court in the writ jurisdiction to enter into the realm of policy making.

6. Independently, on the question of locus of the petitioner, the learned advocate Mr. Bolkar would stress on the point that he has rendered the services as a medical social worker for a considerable long time and is now left in lurch because of closure of the scheme, there is no rationale for the State Government to take such a drastic decision affecting public health.

7. The submission is out of place. When it comes to the matter of *locus standi* to question such action of the executive the beneficiaries alone would have some *locus standi* to question the decision to close down the scheme. Merely because the petitioner was receiving some remuneration on contractual basis by working as a medical social worker. He cannot be regarded as a beneficiary of the scheme. We are of the considered view that the petitioner has no locus to question the decision of closing down the scheme.

8. There is no merit in the petition.

9. The petition is dismissed.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

jhs/