

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4560/2024

<u>PETITIONER :</u>	1. Ku.Ujwala Mohansingh Patil, Aged about 35 yrs, Occup.Service, at present Dabida, Tq.Dharni, Dist. Amravati, Permanent R/o Datta Colony, In front of Panchayat Samiti, Nandura, Tq.Nandura, Dist. Buldhana. 2. Smt. Dipali Shalikram Suralkar, Aged about 35 yrs,Occup. Service, at Present Zilpi, Tq.Dharni, Dist. Amravati. R/o C/o Shalikram S.Suralkar, Chikhali Road, Gadage Nagar, Golande Lay-out, Sundarkhed, Buldana-443001.
<u>...VERSUS...</u>	
<u>RESPONDENTS :</u>	1. Commissioner (Health Services) and Director, National Health Mission (N.H.M.), 3rd Floor, Arogya Bhavan, St.George Hospital Compound,PD.Mello Road, Mumbai, Tq. And Dist.Mumbai. 2. Deputy Director of Health Services, Office at Lady Harding Hospital, Akola Tq. And Dist. Akola. 3.Zilla Parishad Amravati, through its Chief Executive Officer, Amravati, Tq.And Dist.Amravati. 4. District Health Officer, Health Departmet, Zilla Parisahd Camp, Amravati, Tq. and Dist.Amravati.

Mr.PA.Kadu, Advocate for petitioner

Ms.Prachi Joshi, AGP for respondent Nos.1 and 2.

**CORAM : ALOK ARADHE, C.J. AND
ANIL S.KILOR, J.**

DATE : 27/02/2025

ORAL JUDGMENT : (PER : CHIEF JUSTICE)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned Counsel for the respective parties .

2. In this petition, the petitioners *inter alia* seek a direction to the respondents to consider and decide the representations dated 28/06/2024 and 01/07/2024 made by the petitioners in terms of Circular dated 06/06/2018 issued by the Commissioner Health Services and Director, National Health Mission, Muimbai.

3. The facts giving rise to filing of the present petition in nutshell are that the petitioners are working as Health Officers. The petitioners were appointed under the National Health Mission, which aims to improve health in rural areas. The petitioners were appointed in Amravati District on 06/08/2019. On their appointment, the petitioners signed a bond to serve in tribal area for a period of three years.

4. The Commissioner of Health Services issued a Circular on 06/06/2018 by which the transfer policy was introduced and subject to conditions mentioned therein, the

transfer could be effected by the Community Health Officer (CHO) and thereafter another Resolution dated 10/12/2024 was issued, by which the Additional Chief Secretary has been given authority to decide the claim of CHOs seeking the transfer.

5. The petitioners submitted the representations dated 28/06/2024 and 01/07/2024 however, the respondents did not give response to the aforesaid representations. Hence, this Writ Petition.

6. Learned Counsel for the petitioners submits that the petition can be disposed of with a direction to the Additional Chief Secretary to consider and decide the representations submitted by the petitioners in light of the Circular dated 06/06/2018 as well as Government Resolution dated 10/12/2024.

7. On the other hand, learned Counsel for the respondents submits that suitable decision on the representations submitted by the petitioners shall be taken in accordance with law.

8. In view of the aforesaid submissions made and the facts of the case, the Additional Chief Secretary is directed to decide the representations dated 28/06/2024 and 01/07/2024

submitted by the petitioners, in accordance with the Circular dated 06/06/2018 as well as Government Resolution dated 10/12/2024 within a period of six weeks by a speaking order.

9. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners

10. Accordingly, the writ petition is disposed of.

11. Rule is made absolute.

(ANIL S.KILOR, J.)

(CHIEF JUSTICE)

Kavita