



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 WRIT PETITION NO.1519 OF 2026

DR. AMOL PANDURANG AWCHAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A.R. Syed, Advocate for petitioner

Mr. S.B. Narwade, AGP for respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 10th FEBRUARY, 2026

ORDER :

. Present petition has been filed to challenge the so called arbitrary and discriminatory clauses in Government Resolution dated 14.03.2024 and for directions to respondents to absorb the Medical Officers working on contractual posts irrespective of their appointment in National Rural Health Mission Programme or any other programme by modifying the clauses of the Government Resolution dated 14.03.2024.

2 Heard learned Advocate Mr. A.R. Syed for petitioner and learned AGP Mr. S.B. Narwade for both respondents.

3 The petitioner is having B.A.M.S. qualification and came to be appointed as Medical Officer on contract basis after following due process of law. He was working with Zilla Parishad, Parbhani under state quota under adhoc basis. The appointment orders were issued by Chief Executive Officer, Zilla Parishad, Hingoli under National Rural Health Mission. The petitioner is presently working under respondent No.2. Union of India had floated Rashtriya Balkalyan Swasthya Karyakram under National Health Mission, which was for reducing the mortality in children and survival. Various posts were sanctioned for implementation of the said project in response to said advertisement the petitioner applied for the post of Medical Officer and after going through the detail scrutiny he was so appointed on 16.07.2008 and the contractual period was for 11 months. Thereafter, his appointment on contractual basis continued from time to time by order dated 17.03.2020. He came to be terminated by order dated 09.04.2020, which he challenged before this Court in Writ Petition No.4778 of 2020. The said termination order was quashed and set aside by this Court by order dated 03.08.2021. However, since it was contractual appointment, reinstatement was not directed. In the meantime, the petitioner had completed his Post Graduation in Public Health. He can be again appointed on the post of Medical Officer on contractual basis and thus, he has joined Primary Health Centre in Parbhani district. Now, vide Government Resolution dated 14.03.2024 the

Government has decided to absorb the contractual employees, who had worked for more than 10 years. Zilla Parishads have been asked to forward the details of the eligible candidates. The petitioner has rendered services as Medical Officer for more than 11 years and, therefore, he is entitled to, but due to the discontinuation his name was not forwarded. He made representation, which was ignored, therefore, again he had approached this Court by following Writ Petition No.3720 of 2024. This Court by order dated 09.09.2024 directed the concerned authorities to consider the representation. However, respondent No.2 rejected the claim of petitioner by letter dated 21/20.02.2025.

4 Learned Advocate for petitioner has taken us through the documents and submits that only because of interpretation of Government Resolution dated 14.03.2024 that those Medical Officers, who are still in service on contractual basis, would be considered for regularization / absorption, intentionally the petitioner has been deprived and, therefore, he is challenging the contrary clause in the said Government Resolution.

5 Here, the facts are clear. Though petitioner appears to have rendered his services on contractual basis till 09.04.2020; yet, his services came to be terminated. Now, he had challenged the said order before this

Court in Writ Petition No.4778 of 2020. That order came to be set aside on 03.08.2021, but this Court had not reinstated the petitioner. That means, there is break in the service. Now, he is working under some other scheme and at some other place.

6 Respondents/State appears to have taken a policy decision to absorb a particular class of employees, who are on contract basis and have rendered continuous service under National Health Mission for minimum 10 years or more. If a particular scheme is implemented for a class of people / employee, then it cannot be said to be violative of right of any other employee who is presently not in service. Merely because the said condition in the Government Resolution is not suitable to petitioner he cannot have a right to challenge that condition. Petitioner is not showing any prejudice in the form that the decision was taken by the Government with a view to exclude. We do not find any illegality in the scheme / Government Resolution dated 14.03.2024. There is no merit in the present writ petition, stands dismissed.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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