



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 WRIT PETITION NO. 1557 OF 2026

Archana Sakshant Maske

VERSUS

The State Of Maharashtra Through The Principle Secretary And Others

Mr.Onkar Joshi, Advocate h/f. Mr.S.V.Natu, Advocate for petitioner
Mr.R.S.Wani, AGP for respondent nos.1, 2, 5 and 6

**CORAM : SMT.VIBHA KANKANWADI &
AJIT B. KADETHANKAR, JJ.**
DATE : MAY 04, 2026

ORDER :-

Present petition has been filed for issuing a Writ of Mandamus for quashing and setting aside the impugned communication dated 05.12.2018, issued by respondent no.6 – Medical Officer, Primary Health Centre, Shirur-Anantpal, Dist. Latur, and the communications dated 28.08.2024 and 29.01.2025, issued by respondent no.2 to the extent it purports to relieve/discontinue the services of the petitioner. Consequently, the petitioner seeks resumption of her duties as a Pharmacist at the appropriate place.

2. Heard Mr.Onkar Joshi holding for Mr.S.V.Natu, learned counsel for the petitioner and Mr.R.S.Wani, learned AGP for respondent nos.1, 2, 5 and 6. No necessity to issue notices to respondent nos.3 and 4.

3. The petitioner was appointed as a Pharmacist to work under respondent no.5 on contractual basis. The appointment was pursuant to the implementation of the National Health Mission Scheme to be implemented in the State. The respondent no.2 is a Member of the Governance structure of the District Health Mission. In view of the advertisement in the newspaper dated 01.04.2016, various posts were filled by the District Integrated Health and Family Welfare Society for implementation of the National Health Mission.

4. The contract of the petitioner was extended by reappointment order dated 24.05.2017 and it was for the period of 03.04.2017 to 02.03.2018. The petitioner was then transferred by the order dated 12.01.2018 to Primary Health Centre, Shirur-Anantpal, where the petitioner joined on 23.01.2018. The petitioner states that she was continuously attending and discharging her duties at Primary Health Centre, Shirur-Anantpal, from 23.01.2018, however, the Medical Officer refused to record her attendance in the Muster-roll and consequently, no salary was paid to her. The respondent no.6 by way of communication dated 05.12.2018 to respondent no.2, falsely contended that the petitioner is absent since 01.07.2018 and treated that she has been relieved from her services from 05.12.2018. The petitioner states that unaware about

the said communication, still, she continued to discharge her duties at Primary Health Centre, Shirur-Anantpal. She gave a communication to the respondents no.3 on 28.05.2019, stating that it is difficult for her to go up and down and on the ground of personal difficulties, she requested to transfer her from said place. She gave representations subsequently also. She was serving till December, 2019. However, during the Covid-Pandemic situation, she could not make any representation. She further continued to make communication for request transfer and ultimately, the respondent no.2 by communication 28.08.2024, had informed about the petitioner that she has already been relieved. Thereafter also, the petitioner had made representation and by communication dated 29.01.2025 the respondent no.2 informed the petitioner that she should not make any further communication in view of the earlier communications. Hence, the petitioner is before this court.

5. The question that has cropped up is, whether the petitioner, since she was appointed under the signature of the District Civil Surgeon, was a Government servant or employed with the Government though on contract basis. It appears that the concerned authorities have created confusion. The District Civil Surgeon has not signed the appointment order in his capacity as a

Member of the Committee established for carrying out the the scheme. Further communications also do not indicate the same. However, the copy of the advertisement shows that the scheme was to be implemented through the Zilla Parishad and the authorities were treating her as an employee of Zilla Parishad. We are not going to consume time unnecessarily in all these aspects.

6. The crux of the matter is that as per the communication dated 05.12.2018, which informed the District Civil Surgeon that the petitioner has not reported to the duty after 01.07.2018, if we consider the facts, then initially the petitioner, as per the advertisement, was appointed on contract basis for Rural Hospital, Ausa. The appointment order does say that it was a transferable post. However, a transfer order appears to have been issued on 12.01.2018. The petitioner never challenged this order. She was relieved from Ausa on 22.01.2018 and she has taken charge at Shirur-Anantpal on 23.01.2018. She has produced her joining report. Once she had accepted the transfer, then it was her duty to abide by the terms of the appointment letter. It appears that she was relieved by order dated 05.12.2018 on the ground that she has not reported to her duty on 01.07.2018.

7. We specifically asked the learned counsel for the petitioner as to whether the petitioner has any documents to show that between 01.07.2018 till she was relieved on 05.12.2018, she was serving at Shirur-Anantpal and had attended her duty. Learned counsel for the petitioner states that except these documents there are no other documents.

8. When the petitioner is unable to show that she was working with the said hospital during the period stated to be of her absence, then we do not take this to be a fit case where we should exercise our powers under Article 226 of the Constitution of India. We do not find any illegality or error committed by the concerned authority in treating the absence of the petitioner as breach of the contract and then relieving from her duty.

9. The petitioner has also approached this court belatedly. The order reliving her has been passed on 05.12.2018 and present petition has been filed on 06.01.2026. This is the additional ground on which we find that we cannot exercise our powers under Article 226 of the Constitution of India. Hence, the Writ Petition stands dismissed.

[AJIT B. KADETHANKAR, J.]

[SMT.VIBHA KANKANWADI, J.]