



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JODHPUR.**

S.B. Civil Writ Petition No. 17287/2024

1. Dr. Jinal Jain D/o Dinesh Jain, Aged About 27 Years, Resident Of National Tv Center Near Bank Of Baroda, Opp. Senior School Paloda, District Banswara (Raj.) - 327605 At Present Working As Medical Officer (Dental) At Community Health Center Ganoda, District Banswara.
2. Dr. Sikha Jain D/o Rajendra Kumar Jain W/o Mr. Amol Padliya, Aged About 37 Years, Resident Of Kirtikunj Shree Ram Colony, Dahod Road, District Banswara (Raj.)- 327001 At Present Working As Medical Officer (Dental) At Community Health Center Talwara, District Banswara.
3. Dr. Babita Malviya Alias Babita Parikh D/o Gopal Krishna Malviya W/o Mr. Vicky Parikh, Aged About 37 Years, Resident Of, 66, Wadia Colony, Shreeji Parisar, District Banswara (Raj.) At Present Working As Medical Officer (Dental) At Community Health Center Partapur, District Banswara.
4. Dr. Bhavna Kothari D/o Chandrakant Mehta W/o Prashant Kothari, Aged About 35 Years, Resident Of Kothari Complex, Mahalaxmi Chowk, District Banswara (Raj.) At Present Working As Medical Officer (Dental) At Community Health Center Ghatol, District Banswara.
5. Dr. Gopal Patel S/o Mr. Bharat Kumar Patel, Aged About 27 Years, Resident Shiv Basti Piplod, Tehsil Bagidora, District Banswara (Raj.) At Present Working As Medical Officer (Dental) At Sub District Hospital, Kushalgarh, District Banswara.
6. Dr. Vikesh Dama S/o Mr. Ramesh Dama, Aged About 27 Years, Resident Of Village Vasooni, Tehsil Kushalgarh, District Banswara (Raj.) At Present Working As Medical Officer (Dental) At Sub District Hospital, Kushalgarh, District Banswara.
7. Dr. Vandana Katara D/o Mr. Shambhulal Katara, Aged About 27 Years, Village Dhankoo, Tehsil Aanandpuri, District Banswara (Raj.) At Present Working As Medical Officer (Dental) At Community Health Center Partapur, District Banswara.
8. Dr. Priyaksha Syed D/o Syed Zahur Hussain, Aged About 26 Years, Resident Of Opp. Rizvi Masjid, Madar Colony,





District Banswara (Raj.) At Present Working As Medical Officer (Dental) At Community Health Center Choti Sarwan, District Banswara.

9. Dr. Vanisha Dindor D/o Champalal Dindor, Aged About 31 Years, Resident Village Nana Bhukhiya, Tehsil Aanandpuri, District Banswara (Raj.) At Present Working As Medical Officer (Dental) At Community Health Center Aanandpuri, District Banswara.

10. Dr. Dishu Mangawat Alias Dishu Jain D/o Sanjay Mangawat W/o Mr. Daksh Jain, Aged About 25 Years, Resident Of 1/30 Khandu Colony, District Banswara (Raj.)- 327605 At Present Working As Medical Officer (Dental) At Community Health Center, Choti Sarwan, District Banswara.

----Petitioners

Versus

1. The State Of Rajasthan, Through Joint Secretary, Medical And Health (Group-2) Department, Secretariat, Jaipur Rajasthan.
2. Director (Public Health), Directorate Of Medical And Health Services, Swasthya Bhawan, Behind Secretariat, C-Scheme, Ashok Nagar, Jaipur (Raj.).
3. District Collector, Banswara (Raj.).
4. Chief Medical And Health Officer, Banswara (Raj.).
5. Medical Officer Cum Person In Charge Of Community Health Center, Ganoda District Banswara (Raj.).
6. Medical Officer Cum Person In Charge Of Community Health Center, Talwara, District Banswara (Raj.).
7. Medical Officer Cum Person In Charge Of Community Health Center, Pratapur, District Banswara (Raj.).
8. Medical Officer Cum Person In Charge Of Community Health Center, Ghatol, District Banswara (Raj.).
9. Principal Medical Officer Cum Person In Charge Of Sub District Hospital, Kushalgarh, District Banswara (Raj.).
10. Medical Officer Cum Person In Charge Of Community Health Center, Choti Sarwan, District Banswara (Raj.).
11. Medical Officer Cum Person In Charge Of Community Health Center, Aanandpuri, District Banswara (Raj.).





----Respondents

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For Petitioner(s) : Mr. Manas Ranchhor Khatri.

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**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**

**Order**

**18/10/2024**

Heard learned counsel for the petitioners.

The present writ petition has been filed against the order dated 30.09.2024 (Annex.11) passed by the Chief Medical & Health Officer, Banswara whereby the services of the petitioners have been discontinued.

Briefly the facts necessary to be noted are that the petitioners were appointed on the post of Medical Officer (Dental) vide order dated 18.09.2023 on contractual basis for a period up to 31.03.2023 or till the regularly selected candidates join their duties. In pursuance of the appointment order dated 18.09.2023, the petitioners joined their duties. The engagement of the petitioners was extended vide order dated 07.05.2024 for a further period of three months up to 30.06.2024. After expiry of said period, once again, the engagement of the petitioners was extended till 30.09.2024. After 30.09.2023, their engagement was discontinued by the respondent Chief Medical & Health Officer, Banswara vide order dated 30.09.2024. Hence, the present writ petition has been filed.

Learned counsel for the petitioners vehemently submitted that the petitioners were engaged on the post of Medical Officer (Dental) vide order dated 18.09.2023 and in the similar fashion,



other Medical Officers were also engaged. The engagement of the Medical Officers as well as the petitioners who were working on the post of Medical Officer (Dental) was extended from time to time, however, in the case of the petitioners, after 30.09.2024, their term of engagement was not extended, whereas in the case of Medical Officers, their engagement has been continued. Learned counsel submits that to maintain parity, engagement of the petitioners should also be extended by the State Government. He, therefore, prays that the writ petition filed by the petitioners may be allowed and the respondents may be directed to continue engagement of the petitioners on the post of Medical Officer (Dental).

I have considered the submissions made at the bar and gone through the relevant record of the case.

The engagement of the petitioners was purely on urgent temporary basis and extension of their engagement was done by the respondents from time to time keeping in mind the services required by the State Government. It is purely within the domain of the State Government to take a decision with respect to the engagement of a particular person to be employed in the State Government. The authorities of the State Government are only competent to take into consideration and decide whether services of a particular professional or an employee are required/needed or not and the decision of the State Government cannot be substituted by the court as giving any kind of direction for engaging a particular person will amount to a direction to be issued by the court without evaluating the fact that whether appointment/engagement of such person is required by the State





Government or not and therefore, in the opinion of this court, no such direction can be issued.

In the present case, it is the conscious decision of the State Government to continue the services of the Medical Officers and at the same time, not to continue the services of the Medical Officer (Dental) and therefore, the State is well within its right to take a decision for disengaging the services of Medical Officers (Dental) which presupposes the fact that the State has come to the conclusion that the services of Medical Officers (Dental) are no longer required by the State.

The contention of the learned counsel for the petitioners that the petitioners had been discriminated viz-a-viz the Medical Officers, is noted to be rejected only on the ground that the duties performed by the Medical Officers are not similar to the duties performed by the Medical Officer (Dental) and therefore, the State can very well take a decision to continue the Medical Officers in the larger public interest and discontinue the Medical Officer (Dental) whose services are not required by the State and therefore, the petitioners cannot claim parity with the Medical Officers for continuing their engagement.

In view of the discussion made above, this court is not inclined to entertain the present writ petition for the reliefs prayed for in the same. The writ petition filed by the petitioners is, therefore, dismissed.

**(VINIT KUMAR MATHUR),J**

57-Anil Singh/-

