

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

ON THE 31st DAY OF MAY, 2022

BEFORE

HON'BLE MS. JUSTICE SABINA

ACTING CHIEF JUSTICE

&

HON'BLE MR. JUSTICE SATYEN VAIDYA

CIVIL WRIT PETITION NO. 3399 of 2022.

Between:-

- 1. DR. SONALI SHARMA, D/O SH. MANMOHAN KUMAR SHARMA, AGED ABOUT 26 YEARS, R/O HOUSE NO. 82, WARD NUMBER-8, HOUSING BOARD COLONY, DISTRICT HAMIRPUR, HIMACHAL PRADESH 171001.**
- 2. DR. AKANKSHA SHARMA, D/O SH. UTTAM CHAND, AGED ABOUT 28 YEARS, R/O VILLAGE KOTWAL LAHAR, P.O. SAL, TEHSIL PALAMPUR, DISTRICT KANGRA, HIMACHAL PRADESH 176107.**
- 3. DR. RAJAT DATTA, S/O SH. MOHAN LAL, AGED AGABOUT 26 YEARS, V.P.O. PARTAP NAGARA AMB, TEHSIL AMB, DISTRICT UNA HIMACHAL PRADESH 177203.**
- 4. DR. AISHWARYA CHAUHAN D/O SH. JAGMOHAN CHAUHAN, AGED ABOUT 27 YEARS, R/O ABHISHEK LODGE LOWER KHALINI SHIMLA HIMACHAL PRADESH 171009.**
- 5. DR. NIYATI, D/O SH. PYARE LAL GOUNTA, AGED ABOUT 29 YEARS, R/O VILLAGE RAGYAN, P.O. BHONT,M TEHSIL/DISTRICT SHIMLA, HIMACHAL PRADESH-171003.**
- 6. DR. KANVI, D/O SH. ANIL KUMAR SHARMA, AGED ABOUT 26 YEARS, R/O V.P.O. DANGOH,**

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TEHSIL GHANARI, DISTRICT UNA HIMACHAL
PRADESH 177204.

....PETITIONERS.

(BY MR. VISHAL SINGH THAKUR, ADOVCATE)

AND

1. STATE OF HIMACHAL PRADESH THROUGH
SECRETARY (HEALTH) TO THE GOVERNMENT OF
HIMACHAL PRADESH, SHIMLA-171002.
2. THE DIRECTOR OF HEALTH SERVICES, HIMACHAL
PRADESH, SHIMLA-171009.

....RESPONDENTS.

(BY MR. AJAY VAIDYA, SENIOR ADDITIONAL
ADVOCATE GENERAL)

*This petition coming on for admission before notice this
day, **Hon'ble Ms. Justice Sabina**, passed the following:-*

ORDER

The petitioners have filed the instant petition under
Article 226 of the Constitution of India, seeking following reliefs:-

*“(i). Issuance of a writ of mandamus directing the
respondents to consider the petitioners for appointment
to the post of Medical Officer in accordance with the
merit list prepared in pursuance of the Walk-In-Interview
held on 07.12.2021.*

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ii) Issuance of an appropriate direction or order for directing the respondents to give preference to the petitioners, in accordance with their ranking in the merit list, while making further appointments to the post of Medical officers.”

2. Learned counsel for the petitioners has submitted that the respondents on 29.11.2021 had issued an office order stating therein that Walk-In-Interview were to be held in the Health and Family Welfare Directorate for the posts of Medical Officers, on contract basis. The petitioners had also participated in the Walk-In-Interview. Merit list of 76 candidates was prepared, on the basis of Walk-In-Interview held in pursuance to office order, dated 29.11.2021. The names of the petitioners also figured in the merit list. However, the respondents had issued appointment letters to only 43 candidates. Now, the respondents vide office order, dated 12.04.2022, have accorded sanction to its proposal for filling up 144 vacancies of Medical Officers by way of Walk-In-Interview. Learned counsel for the petitioner has submitted that since 144 vacancies of Medical Officers are available with the respondents, the petitioners were liable to be considered for appointment in pursuance to their participation in Walk-In-Interview held on 07.12.2021.

3. Mr. Ajay Vaidya, learned Senior Additional Advocate General, has opposed the petition.

4. After hearing the learned counsel for the parties, we are of the opinion that no ground for interference, by this Court while exercising extraordinary writ jurisdiction under Article 226 of the Constitution of India, is made out .

5. The petitioners had participated in the Walk-In-Interview held on 07.12.2021, in pursuance to office order, dated 29.11.2021. The said process has been concluded as appointment letters to 43 candidates were issued on 01.02.2022.

6. Annexure P-9, is the office order regarding creation and filling up of 144 posts of Medical Officers. Thus, as per Annexure P-9, approval has been granted by the Government for creation and filling up of 144 posts of Medical Officers, on contract basis through Walk-In-Interview, after completing all the codal formalities. So far as Annexure P-9 is concerned, it cannot be said that it relates to the vacancies existing with the respondents-department in the month of December, 2021, entitling the petitioners for consideration/their appointment, in pursuance to Walk-In-Interview held on 07.12.2021. Now, Walk-In-Interview would be held with regard to the 144

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vacancies created by the Government and the petitioners would be at liberty to appear in the Walk-In-Interview liable to held in future. However, the petitioners cannot be considered for appointment *vis-à-vis* Walk-In-Interview held on 07.12.2021, in pursuance to the office order dated 29.11.2021. Moreover, Annexure P-9, has also not been challenged by the petitioners. Rather, the petitioners have placed reliance upon Annexure P-9.

7. For the foregoing reasons, there is no merit in the instant petition and is dismissed.

8. Pending application(s), if any, shall also stand disposed of.

**(Sabina)
Acting Chief Justice.**

**(Satyen Vaidya)
Judge**

**31st May, 2022.
(jai)**