

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 16406 OF 2023**

Savita Rishikesh Samant and Others ... Petitioners

versus

Union of India and Others ... Respondents

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Mr.Vicky A. Nagrani i/b. Mr.Ramakant D. Patil for the Petitioners.

Mr.Mohamedali M. Chunawala for Respondent Nos. 1 and 4- UOI.

Mr.M.M.Pabale, AGP for Respondent Nos. 2 and 3-State.

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**CORAM : NITIN JAMDAR &  
M.M.SATHAYE, JJ.**

**DATE : 4 JANUARY 2024**

**P.C.:**

The Petitioners, 442 in number, are working on various paramedical posts to deal with the issue of Acquired Immune Deficiency Syndrome (AIDS). They have worked, in some cases for almost 20 years, on the projects pursuant to the National AIDS Control Programme which was launch in the year 1992. The Petitioners' contract would come to an end on 30 March 2024 and, therefore, the Petitioners have moved this petition seeking a direction that considering their long service and the work they have done, the Respondents should take a decision for formulating the scheme of regularization.

2. Our attention is drawn to the communication addressed by the

Ministry of Health & Family Welfare Department of AIDS Control (Finance Wing) to the Health Secretary, Department of Health, Maharashtra State dated 4 August 2014 wherein the State Government has sought advice of the Government of India in the matter of regularization of the contractual workers in the State AIDS Control Societies. The Central Government communicated to the State Government that the National AIDS Control Programme is executed through the State AIDS Control Societies and there is no provision for regularization or continuation of contractual position or any other benefits. It is stated that if the State Government intends to regularize the contractual staff, then the Ministry of Health and Family Welfare Department would not have any objection contingent to the fact that there would be no additional financial liability on the Central Government. As to what is transpired after 4 August 2014 is not on record.

3. The learned Counsel for Respondent Nos. 1 and 4- Union of India and the learned AGP seek time to examine as to whether any scheme of regularization is proposed.

4. Considering the fact that the contract would come to an end on 30 March 2024 and that services of the Petitioners on contract would be continued till 30 March 2024 unless the scheme is formed or contract is further extended, we grant time to the Respondents till **5 February 2024** to respond.

5. Considering the above position, we direct the Principal Secretary, Public Health Department, Government of Maharashtra to give necessary instructions to the Office of the Government Pleader so that reply affidavit can be filed by the next date. Similar directions are given to the Secretary, Ministry of Health and Family Welfare Department for giving necessary instructions to their Counsel for filing reply.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)