

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16263/2025

Jankalyan Rehabilitation And Development Society, Through Its Secretary Nemi Chand Nitharwal S/o Shri Babulal Nitharwal, Aged About 42 Years, R/o 3, Ward 14 Bhagwati Vihar, Magadh Nagar, Kacholiya Road, Chomu, District Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Medical And Health Services, Government Of Rajasthan, Directorate, Swasthya Bhavan, Jamnalal Bajaj Marg, C Scheme, Ashok Nagar, Jaipur.
2. Chief Medical And Health Officer, Public Health Mini Swasthya Bhawan Sethi Colony, Jaipur, Rajasthan.
3. Block Chief Medical Officer, Amer Road, Devisinghpura, Jaipur-1 302028.

----Respondents

For Petitioner(s) : Mr. Sundeep Bhandawat (through V.C.)

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

11/11/2025

1. Learned counsel for the petitioner submits that a Memorandum of Understanding (MOU) (Annexure-1) dated 10.04.2017 was entered between petitioner and respondents to run and manage Primary Health Centres at PHC Rampuradabdi and PHC Muntoda for a period of five years. Learned counsel submits that full charge of both the PHC was handed over to the respondents by the petitioner, wherein, no discrepancy was found in regard with stock/material in handing over the charge of both the PHC.

2. Learned counsel for the petitioner further submits that almost after three years of handing over the aforesaid charge, the respondents issued recovery notice dated 06.10.2025 (Annexure-3) to the petitioner to deposit the amount of Rs.27,50,063/-; against which the petitioner submitted a reply (Annexure-5) but no heed was paid to it.
3. Learned counsel for the petitioner prays that after three years of handing over the charge of both the PHC, the respondents do not have legitimate ground to make any recovery from the petitioner, therefore, the respondents be restrained from taking any action pursuant to the recovery notice.
4. The matter requires consideration.
5. Heard.
6. Issue notice of the main petition as well as stay application to the respondents by both modes i.e. by ordinary course as well as by registered post, returnable within a period of six weeks.
7. List the matter after six weeks.
8. In the meantime, no coercive steps shall be taken by the respondents against the petitioner for recovery of the amount mentioned in the recovery notice (Annexure-3).

(ASHUTOSH KUMAR),J