

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9788-2026 and CWP-6150-2026

SATYAVATI

....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

....RESPONDENT(S)

Present: Mr. Vikram Sheoran, Advocate for the petitioner(s).
Mr. Teevar Sharma, DAG, Haryana.

The grievance raised in the present petition travels beyond an individual service dispute and touches upon the larger issue of availability of public healthcare in the State. Regard must be had to the dictum of the Supreme Court in “*Consumer Education & Research Centre v. Union of India 1995 (4) SCT 631*”, which leaves no manner of doubt that the right to health and medical care forms an integral facet of Article 21 of the Constitution of India.

Further, “public health and hospitals” falls within the domain of the State List (Entry 6, List II) under the Schedule VII of the Constitution of India. This subject squarely entrusted to the State, forms an integral part of the State's obligation to secure the right to life under Article 21. It casts upon the State not only a sacrosanct duty to ensure that basic medical facilities remain available and accessible to each and every citizen of the State but also it is a continuing obligation of governance.

In a welfare State governed by constitutional morality, healthcare cannot remain a matter of paper assurances or statistical abstractions, it must reflect in actual availability of doctors and functioning medical institutions on the

ground accessible to all citizens. A hospital deprived of doctors is but a structure of bricks and mortar, incapable of securing the right to life to the citizens. The constitutional obligation of the State does not end with establishment of institutions, it extends to ensuring that such institutions remain functional in substance, providing healthcare facilities to all.

Being the sentinel on the qui vive, this Court cannot remain a mute spectator where executive inaction *prima facie* disturbs the delicate balance between administrative exigencies and the citizen's fundamental right to accessible healthcare. The record placed before this Court paints a rather disturbing picture. Basic healthcare facilities in several areas appear to be suffering on account of uneven deployment of Ayurvedic Medical Officers under the AYUSH Department, Haryana. The imbalance is such that while certain centres are shown to have surplus Medical Officers, several dispensaries and Primary Health Clinics (PHCs) continue to function either with inadequate staff or without any Medical Officer at all. Such a situation, *prima facie*, strikes at the very concept of equal access to healthcare.

In view thereof, this Court vide order dated 01.04.2026 had directed the Director General, AYUSH Department, Haryana to place on record a detailed affidavit indicating the status of deployment and vacancies of Doctors at various Primary Health Clinics and other institutions. An affidavit dated 21.04.2026 came to be filed by Mr. Vijender Hooda, Additional Director (Administration), AYUSH Department, Haryana and upon perusal of the same as well as the tabulated data annexed therewith, it became apparent that despite a substantial number of vacancies existing across the State, surplus postings were simultaneously continuing at various locations.

Consequently, pursuant to the order dated 22.04.2026, Mr. Sanjeev Verma, Director, AYUSH Department, Haryana has appeared today before this Court in person and has informed the Court that 97 Ayurvedic Medical Officers (AMOs) are presently surplus, having been appointed at various PHCs/Government Ayurvedic Dispensaries under the Department. He assures the Court that a uniform redistribution exercise shall now be undertaken in those areas where either no AMO is presently available or where the requirement exceeds the presently posted strength. The Director has also fairly stated that the present situation has arisen largely on account of options exercised by Medical Officers seeking posting in urban areas alone.

This Court is unable to overlook the imbalance so emerging from the record. Public health administration cannot be permitted to function in a manner where concentration of medical personnel at convenient stations results in deprivation of medical facilities in rural and underserved areas. Convenience of employees working under the State must yield to constitutional necessity where issues concerning healthcare and public welfare are involved.

Accordingly, the Director, AYUSH Department, Haryana is directed to undertake a comprehensive exercise for equitable and requirement-based posting of Ayurvedic Medical Officers in all Government Ayurvedic Dispensaries and PHCs throughout the State of Haryana. The needful be done within a period of two weeks from today and necessary affidavit ensuring compliance shall be filed in Court on 27.05.2026 by the said official.

Another issue brought to the notice of this Court is that more than 603 posts of Ayurvedic Medical Officers are lying vacant. It has further been pointed out that although the advertisement for the said posts had been issued in the year 2023 and the recruitment process stood completed in the year 2025. Despite the

completion of the recruitment process, the vacancies still remain unfilled. The shortage of doctors has, therefore, continued to adversely affect availability of healthcare services in substantial parts of the State, as is evident from the affidavit dated 21.04.2026 along with Annexures R-1 and R-2.

In view of the above, this court is of the opinion that the matter requires immediate attention at the administrative level. Accordingly, the Additional Chief Secretary, AYUSH Department, Haryana is requested to examine the matter personally, in consultation with the Director General, AYUSH Department, Haryana, and apprise this Court by way of an affidavit as to the reasons as to why the recruitment process to fill up the vacancies available in the Department has not been initiated so far and, the timeline within which such vacancies are proposed to be filled, and the interim measures contemplated to address the existing shortfall of Ayurvedic Medical Officers in the State.

To come up on 27.05.2026.

Personal appearance of the Director General, AYUSH Department, Haryana is exempted till further orders.

A photocopy of this order be placed on the file(s) of connected case(s).

08.05.2026
anuradha

(SANDEEP MOUDGIL)
JUDGE