

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

SUNDAY, THE SEVENTH DAY OF NOVEMBER,

TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

WP (SR) NO: 35098 OF 2021



Between:

Smt. S. Kiranmayi, W/o. K. Ravi Kirshore, Aged 53 Years, R/o. Flat No.202, Sowbhagya Enclave, Nagarjuna Nagar, Ramachandra Nagar, Vijayawada -8, Krishna District, A.P. State.

Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary, Medical and Health Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The Commissioner of Health and Family Welfare, Government of Andhra Pradesh, Gollapudi, Vijayawada, Krishna District.
3. The Regional Director of Medical and Health Department, Rajamahendravaram, East Godavari District.
4. The Principal, Siddhartha Medical College, Vijayawada, Krishna District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly a writ of Mandamus, declaring the action of the respondent authorities in deleting the name of the petitioner from the seniority list issued vide proceedings Rc.2308/FW.E3/2009, dated.05.11.2021 issued by respondent No.2 and proposing to hold counselling for promotion to the post of Public Health Nurse Instructor/Principal, MPHWS (F) Training School, without taking into consideration the amendment made to the Rule position vide G.O. Ms. No.56, Health, Medical and Family Welfare and (G-2) Department, dated. 21.05.2016, as illegal, arbitrary, biased unconstitutional, against the principles of natural justice and also violative of the provisions of G.O.Ms. No.2887, Health, Housing and Municipal Administration Department, dated.23.10.1963; G.O.Ms. No.679, Health Department, dated. 19.04.1966, and G.O.Ms. No.41, H.M. & F.W. (D-2) Department, dated 25.01.2000 and consequently, direct the respondent authorities to follow the seniority list issued vide proceedings Rc.No.2308/F.W.E3/2009, dated.25.10.2021 issued by respondent No.2 for conducting counselling for promotion to the post of Public Health Nurse Instructor/Principal, MPHWS (F) Training School scheduled to be held on 08.11.2021.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent authorities to permit the petitioner to participate in the counselling for promotion to the post of Public Health Nurse Instructor/principal, MPHWS (F) Training School scheduled to be held on 08.11.2021, pending disposal of the above writ petition.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri D.S.N.V. Prasad Babu, Advocate for the Petitioner, GP for Medical Health & for the Respondents the Court made the following.

ORDER

Heard Sri D.S.N.V.Prasad Babu, learned counsel for the petitioner and Sri Y.N.Vivekananda, learned Government Pleader appearing for the respondents.

The petitioner relying upon G.O.Ms.No.56, Health, Medical and Family Welfare(G-2) Department, dated 21.08.2016 contends that she is eligible for promotion. She also relied on the interim order passed on 20.12.2006 in W.P.No.25642 of 2006 by which the order in O.A.No.5627 of 2004 is set aside. By virtue of this interim order the petitioner is continuing in the said service.

The learned Government Pleader submits that apart from the proceedings dated 20.12.2006; after duly following the procedure she was remitted back to staff nurse in December 2006 and this was not being challenged. He further submits that if the case of the petitioner is considered for promotion it would hamper the chance of other duly qualified candidates.

After considering the submissions, this Court is of the opinion that a deeper investigation is necessary. But the fact remains that the petitioners name was deleted from the seniority list on 05.11.2021 and the counselling is scheduled to be held on 08.11.2021. A prima facie case is made out.

This Court is of the opinion that the petitioner should be permitted to attend the counselling on 08.11.2021 by virtue of this order.

List the matter on 15.11.2021 for filing counter.

In the meanwhile, no final orders should be passed granting promotion in respect of the counselling that is scheduled to be held on 08.11.2021.

Sri Y.N.Vivekananda, the learned Government Pleader is directed to inform the order to the respondents since the matter is being held as a house motion on Sunday.

//TRUE COPY//

ASSISTANT REGISTRAR


For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Medical and Health Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District.
 2. The Commissioner of Health and Family Welfare, Government of Andhra Pradesh, Gollapudi, Vijayawada, Krishna District.
 3. The Regional Director of Medical and Health Department, Rajamahendravaram, East Godavari District.
 4. The Principal, Siddhartha Medical College, Vijayawada, Krishna District.
 5. One CC to Sri D.S.N.V. Prasad Babu, Advocate [OPUC]
 6. Two CCs to GP for Medical & Health, High Court of Andhra Pradesh.[OUT]
 7. One spare copy
- Cnr

HIGH COURT

DVSS,J

DATED: 07/11/2021

NOTE: LIST ON 15.11.2021

ORDER

WP(SR).No.35098 of 2021

INTERIM DIRECTION

