

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

CONTEMPT CASE No. 710 OF 2015

ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The petitioner in this Contempt Case is the respondent in the Writ Petition instituted by the State Government against the orders passed by the Andhra Pradesh Administrative Tribunal in O.A.No. 1105 of 2013. The petitioner herein is employed as a Civil Assistant Surgeon. He appears to have prosecuted his undergraduate education of M.B.B.S. in Ukraine. Consequently, the State, as a part of ascertaining the antecedents of the petitioner, has taken up the matter with the Ministry of External Affairs, inasmuch as no State Government can enter into any correspondence directly with another nation. In the meantime, the petitioner herein has instituted the O.A. before the Tribunal and the Tribunal directed the respondents therein to take appropriate decision within a period of six weeks. The time granted by the Tribunal, by any standards, is hopelessly inadequate for a clarification to be secured from another nation in such a quick time. In those set of circumstances, when the State moved this Court by instituting Writ Petition No. 16372 of 2014, this Court granted them three months time.

Now, in this Contempt Case, when notice was issued, the Principal Secretary to the Government, Health, Medical and Family Welfare Department, State of Telangana has filed a detailed counter-affidavit. It is brought out therein that the Additional Director General of Police (Intelligence) of the combined State of Andhra Pradesh, Hyderabad has taken up the matter with the Ministry of Home Affairs, New Delhi with regard to the procedure to obtain the antecedents in respect of as many as 93 doctors, who are recruited as Civil Assistant Surgeons in the Department under direct recruitment method and who have all prosecuted their undergraduate courses in different nations. In spite of the matter being taken up with the Government of India, still, the necessary clearances could not be officially secured.

The grievance of the petitioner herein is that along with the reply-affidavit, which he has filed into this Court, some time after 02.09.2015, he had enclosed a

certificate titled as 'police clearance certificate' issued by the Consulate General of the Russian Federation in Chennai, India vouching for the fact that there is no adverse information available with the Ministry of Home Affairs of the Russian Federation. In view of this certificate, which the petitioner has produced from the Consulate General, the petitioner seeks the respondents to be penalized for their failure to regularize his services as a Civil Assistant Surgeon.

In matters of this nature, there cannot be any hard and fast rule that can be drawn. The reason being, unless the antecedents of a government servant are properly verified and unless the government is satisfied that there is nothing adverse about the individual, his/her very entitlement to hold public employment would become doubtful.

In these set of circumstances, we express our sincere desire and hope that the State Government would expedite the matter of collecting the antecedents of all those 93 doctors appointed by them, in case they are all serving the present State of Telangana. Such of those doctors, who have been recruited after having prosecuted their graduate courses abroad, in case, have produced any clearance certificates on their own, perhaps, they may be looked into for purposes of recording an event-free studentship of the individual, subject to the caveat that any adverse information obtained later on would disentitle them for continuance in service. But however, such matters fall within the domain of the 'State's policy'. We hope and trust that an appropriate decision in the matter would emerge at the earliest.

With this, the Contempt Case stands disposed of.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

ANIS, J

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