

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND
THE HON'BLE MRS. JUSTICE ANIS
WRIT PETITION No. 22536 OF 2015**

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

The petitioners herein are aggrieved that the Andhra Pradesh Administrative Tribunal, entertaining O.A. No. 2810 of 2015 moved by them, has issued notice to the respondents returnable in six weeks, while simultaneously recording that the selections to the posts of Assistant Professors and Civil Assistant Surgeons (Specialists) in Andhra Pradesh Vaidya Vidhan Parishad shall be subject to the final result of the O.A.

Heard Sri V. Hari Haran, learned counsel for the petitioners and learned Government Pleader for Services (Telangana).

The learned counsel for the petitioners would urge that the petitioners herein have responded to the notification issued by the State for recruitment as Assistant Professors as well as Specialists in Andhra Pradesh Vaidya Vidhan Parishad. At the time of participating in the counselling process, the candidates were required to produce the compulsory one year rural residency/service certificate. Since the petitioners do not possess the same, they apprehend that they will not be given the necessary orders of posting, in spite of the fact that they are selected for the post concerned. The learned counsel for the petitioners would point out that the State Government has passed a detailed order, through their memo dated 27.08.2014, making it very clear to the Director of Medical Education, Government of Andhra Pradesh that the Post-graduate qualified doctors should be relieved even though they have not completed one year rural residency due to the orders passed by this Court in a batch of Writ Petitions earlier thereto. Having said so, the State Government cannot take any action to the contra thereto by insisting that the petitioners must produce the residency certificate.

The learned Government Pleader, in our opinion, very rightly

has drawn our attention to the orders passed by one of us (*NRR,J*) sitting singly on 30.07.2013 and also on 20.11.2013 (upon entertaining review applications for reviewing the order dated 30.07.2013) in Writ Petitions No. 21898 of 2013 and batch. In the order dated 20.11.2013, it was clearly observed by this Court that in view of the legal backing, pursuant to the notification issued on 02.08.2013, the latter portion of the order passed on 30.07.2013 by this Court shall stand omitted. The effect of this order dated 20.11.2013 is that the State Government cannot retain the educational certificates of those doctors, who have completed the training programme. Certificates have got to be released and the same may be produced for the purpose of registration of their qualifications by the Medical Council of India. Insofar as the State's policy of recruiting such of those candidates, who have completed one year residency period in rural areas, is concerned, the same has backing pursuant to the notification issued on 02.08.2013. Therefore, the present impugned notification inviting applications being later to 02.08.2013, the insistence of the respondents for the certificates of completion of rural residency cannot be described, as at present advised, as illegal. It would be a different matter if this Court ultimately declares that insisting upon rendering rural service is totally wrongful. Hence, the subsequent portion of the order passed by the Andhra Pradesh Administrative Tribunal making all selections to abide by the result in the O.A. is an appropriate safeguard and hence, we do not find any error committed by the Tribunal warranting our interference.

Therefore, we dismiss the Writ Petition at the admission stage.
No costs.

Consequently, the miscellaneous applications, if any shall stand dismissed.

NOOTY RAMAMOHANA RAO, J

ANIS, J

21st July 2015

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