

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 2139 OF 2015

ORDER:

The petitioner herein seeks a writ of mandamus for declaring the action of Respondents 1, 3 and 4, namely an Aarogya Seva Trust, its District Coordinator and the Director of a non-governmental organization respectively in not allowing him to work as an Aarogya Mithra in Balayapalli Primary Health Centre in SPSR Nellore District, as arbitrary and illegal.

The material enclosed to this Writ Petition revealed that the State Government has announced a policy decision through their G.O.Ms. No. 127, Health, Medical & Family Welfare Department, dated 27.09.2014 that the government has rechristened the existing Aarogya Sri Scheme as Dr. Nandamuri Taraka Rama Rao Aarogya Seva. It also added 100 more procedures detailed in the Annexure thereto to be added to the existing 938 procedures to the scheme. It was further ordered by the State Government enhancing the limit of financial coverage from the existing Rs. 2 lacs to Rs.2.5 lacs per family per annum. This latest order of the State Government does not disclose anything to do with the engagement of Aarogya Mithras. All that the copy of G.O.Rt.No. 4459 Finance (SMPC) Department, dated 27.12.2006, which is exhibited in the Writ Petition paper Book, discloses is that the State Government has constituted a committee comprising of the District Collector as Chairman, the Deputy Director of Treasuries and Accounts as a Member, the District Labour Officer as a Member and the District Employment Officer as Member-Convener for selection of outsourcing agencies at the district level. From this, I gather that the State Government has constituted a committee for the purpose of selecting the outsourcing agency, which can sponsor the appropriate candidates for functioning in the scheme. It appears, the 4th respondent is one such non-governmental organization, which has been picked up by the committee referred to supra. The said non-

governmental organization appointed the writ petitioner as a Primary Health Center Aarogya Mithra, pursuant to an agreement said to have been entered by it on 17.07.2012 with the district administration. Therefore, it is a clear case where an identified non-governmental organization has appointed the writ petitioner, but not the governmental agencies themselves. This apart, the petitioner is Accused No.2 in Crime No. 69 of 2014 for which he has been charge-sheeted by the police at Balayapalli Police Station in the Court of the Judicial Magistrate of I Class, Venkatagiri, SPSR Nellore District. In view of the gravamen of the charge contained in the charge sheet, obviously, the 4th respondent non-governmental organization is not willing to sponsor the candidature of the writ petitioner or alternatively, the primary health center authorities are not willing to entertain him to perform the functions of an Aarogya Mithra.

The Aarogya Seva Scheme is a non-statutory scheme. It has been introduced by the State Government with a view to provide certain financial assistance to the deserving families so as to secure the needy medical assistance by them. Therefore, for the purpose of effective supervision of this beneficial scheme, a trust is obviously created. A writ of mandamus, as is too well-known, can be issued for enforcing any right, either statutory or fundamental, or for forbearing any public authority from acting contrary to law or exceeding the limits of jurisdiction. If the scheme itself is a non-statutory scheme and the 4th respondent is a private non-governmental organization, there is no way that a writ of mandamus as prayed for can be issued against the same.

I therefore, do not find any justifiable reason to entertain this Writ Petition and accordingly, it is dismissed at the admission stage. No costs.

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

NOOTY RAMAMOHANA RAO, J

06th February 2015

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