

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 13518 of 2016

DATED 4th JULY, 2016

BETWEEN

G.D. Madhu B. abu

....Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Medical Health and Family Welfare,
Secretariat, Hyderabad and ors.

..Respondents.

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WRIT PETITION No. 13518 of 2016

ORDER:

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The petitioner is an un-employee. He completed his X Class and joined 'Diploma in Ophthalmic Assistant' two years' duration course for the academic year 2003-04. He completed said course in the year 2006 and thereafter enrolled on the rolls of the 'Andhra Pradesh Para Medical Board on 28.04.2008. Thereafter he completed three years degree course in 'Bachelor of Science in Optometry' from Vinayaka Mission University through distance course. He also completed the 'Contact lens

Training' course from the Institute of Public Health & Hygiene, New Delhi in the year 2009. When the third respondent issued a paper statement on 4.7.2003 inviting applications for the post of Ophthalmic Assistant by prescribing Intermediate with Bi.P.C as a basic qualification, the present Writ Petition was filed challenging the action of respondents in prescribing the qualification.

The petitioner did not file a copy of the notification. He relied on the paper statement published in 'Andhra Jyothi' Telugu Daily Newspaper of Chittoor Edition dated 01.04.2016. This Court is not in a position to verify the contents of the notification. Even otherwise also, if the petitioner is qualified and completed the Diploma in Ophthalmic Assistant Course based on X Class qualification, he cannot insist the respondents that the posts should be filled up with X Class candidates only. It is for the employer to prescribe qualification(s) and this Court cannot change the conditions of recruitment unless it is arbitrary and against constitutional provisions. Hence the petitioner failed to show any right to relax the qualification.

The Writ Petition fails and is accordingly dismissed. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.RAMALINGESWARA RAO

DATED 4th JULY, 2016.
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