

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.14197 of 2002

Between:

1. M. Lavanya and others.

PETITIONERS

And

1. State of A.P., rep. by its Secretary, Medical & Health Department,
Secretariat, Hyderabad, and others.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
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ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

Aggrieved by the dismissal of their applications by the A.P. Administrative Tribunal, in the matter of recruitment to the post of Paramedical Staff, the petitioners have come up with the above writ petition.

Heard learned counsel for the petitioners and learned Government Pleader for Services for the respondents.

The petitioners herein challenged the selection process for the post of Multi-purpose Health Assistants, pursuant to the notification dated 20.07.2002. The petitioners contended that woman candidates have also to be considered for recruitment to the post; that age relaxation ought to have been given; that intermediate vocational courses passed by them should be treated as equivalent; that the prescription of a pass in SSC in addition to technical courses was perfectly correct; that candidates who could not secure the certificates in proof of passing the technical courses due to various reasons, can be considered and that insofar as unrecognized institutions are concerned, the candidates have a right to be treated on par.

On a careful consideration of the statutory rules as well as the notification, the Tribunal recorded a finding, point by point, which may be usefully extracted as follows:

"1) We do not agree with the contention of the learned counsel for some of the applicants that women candidates have to be considered for recruitment to the post of M.P.N.A.(M).

2) With regard to age relaxation, this Tribunal cannot give any direction to receive the applications from the applicants who are not confirming to the age criteria mentioned in the notification.

3) With regard to vocational course, we do not agree with the submission that those having intermediate vocational course also should be considered as equivalent to technical qualification as prescribed under special rules for the posts of Lab Technician/M.P.N.A(M)/M.P.H.A.(F)/Pharmacist.

4) There is no illegality in the notification prescribed SSC as the minimum qualification instead of intermediate in view of the G.O.Ms.No.111 dated 12.04.2002, but by the time of recruitment, necessary statutory amendment should be made, as submitted by the learned G.P.

5) Regarding the insistence of qualification of Intermediate and Diploma in Pharmacy for recruitment to the post of Pharmacist Grade-II, this Hon'ble Tribunal holds that the applicants holding the Diploma in Pharmacy with SSC or intermediate have to be given equal consideration and the respondents are directed to receive the applications of candidates with Diploma in Pharmacy either after SSC or Intermediate.

6) Regarding the contention in O.A.No.6983/2002 that though there is circular instruction from the Director General of Medical and Health Services and Chairman, Para Medical Recruitment Committee the applicants trained from certain institutions be allowed for the examination, subject to the pending decision of the Government, their applications are not being received by the respondents, the official respondents are directed to follow the said instructions of the Director General of Medical and Health Services and Chairman, Para medical Recruitment Committee.

Wherever either the instructions or the courses offered by the institutions are not recognized by the last date of receiving the applications, the Tribunal cannot interfere by directing the respondents to receive the applications of such applicants unless the recognition or de-recognition of certain institutions conducting para medical courses is sub-judice before the Tribunal or the Hon'ble High Court.

7) With regard to non production of certificates of pass, either on account of not holding of the examination, or on account of holding examinations but results not published and in some cases, where the results are said to have been published, but certificates not produced this Tribunal cannot give any direction to the respondents to receive the applications of such applicants.

8) Since the order is being delivered just one day prior to the last date of receiving of applications, and the persons being benefited by such order cannot submit their applications with time, the last date for receiving the applications is extended by a period of two days i.e., upto

and inclusive of 02.08.2002 before 5 p.m. to only the applicants covered under the O.As., now being disposed of. This extension of time is applicable to all those candidates who filed applications by the time of pronouncement of this order.”

We find no infirmity in the order of the Tribunal. A period of 14 years has been elapsed. No relief can be granted to the petitioners at this distance of time. Therefore, the writ petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

26th October, 2016
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.14197 of 2002



Date: 26-10-2016

Js.