

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 9986 OF 2016

Date: 31.03.2016

Between:

D. Sunitha,
Khammam District.

..... Petitioner

And:

The State of Telangana,
Rep. by its Principal Secretary to Government,
Health, Medical & Family Welfare Department,
Telangana State, Secretariat,
Hyderabad, and others.

.....Respondents

Counsel for the Petitioner: Sri L.V.S. Nagaraju

Counsel for Respondent Nos.1 to 3: G.P for Services

The Court made the following:

-
-
-
-
-
-
-
-
-

ORDER *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The petitioner is a Multi Purpose Health Assistant (Female). While working as such in Ankampalem Sub-Centre, Patwarigudem Primary Health Centre, Khammam District, she was selected for pursuing higher qualification of Post Graduate Diploma in Health Promotion and Educational Course for 2014-15 batch in the Gandhigram Institute of Rural Health and Family Welfare Trust, Gandhigram, Dindigul District, Tamil Nadu. In pursuance thereof, the petitioner was relieved from duties. Thereafter, the petitioner approached the official respondents for treating her as in-service candidate, the study period as duty period and for payment of remuneration/salary to her for the said period. Having considered the request, respondent No.2 has issued proceedings *vide* Rc.No.308/TS-Estt/FW/2015, dated 01.05.2015, rejecting the petitioner's request as she has not complied with condition No.6 of G.O.Ms.No.342 Social (B3) Department dated 30.08.1977, which stipulated that the candidate should have put in five years of service for the said benefit. Feeling aggrieved by the same, the petitioner filed O.A.No.5904 of 2015 before the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal'). By the impugned order, the Tribunal has dismissed the O.A.

Before the Tribunal, the petitioner has placed reliance on G.O.Ms.No.7 Social Welfare (E1) Department dated 02.02.1993 and contended that though under condition No.6 of G.O.Ms.No.342 dated 30.08.1977, the candidate must put in a minimum of five years service for claiming the benefit of being treated as in-service candidate, while pursuing higher studies, the said period was reduced to three years *vide* G.O.Ms.No.7 dated 02.02.1993. The said plea was not found favour with by the Tribunal and in our view rightly so.

A perusal of G.O.Ms.No.7 dated 02.02.1993 shows that the same was issued at the instance of the Director of Tribal Welfare, who took up the cause of teachers belonging to the Scheduled Tribes

working in the scheduled areas and recommended for relaxation of condition in G.O.Ms.No.342 dated 30.08.1977 in favour of the teachers belonging to Scheduled Tribes and working in scheduled areas. Accepting the said recommendation, the Government has issued G.O.Ms.No.7 dated 02.02.1993 by directing that condition No.6 of G.O.Ms.No.342 dated 30.08.1977 shall be modified as three years of service in place of five years of service in respect of the Scheduled Tribe teachers working in the schools in scheduled areas for acquiring the requisite qualifications.

Admittedly, the petitioner is not a teacher and therefore, G.O.Ms.No.7 dated 02.02.1993 has no application to her. She has not assailed G.O.Ms.No.7 dated 02.02.1993 as discriminatory.

In the above facts of the case, we do not find any merit in the writ petition and the same is accordingly dismissed.

As a sequel to the dismissal of the writ petition, W.P.M.P.No.12624 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 31.03.2016

va