

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.34479 of 2014

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Medical & Health and Family Welfare for respondents.

2. The Commissioner of Family Welfare, Hyderabad, State of Telangana, who is 2nd respondent herein, notified the schedule for conduct of examination for Multi Purpose Health Workers (Female) Course. This course is of 18 months duration. It commenced in 2012.

3. The petitioner is the Management of an institution wherein certain students were admitted to prosecute the said course. Their admission was made after the list of selected candidates was signed by the District Medical and Health Officer, Superintendent of the District Head Quarters, Dy.Director of Social Welfare and Principal of the petitioner institution. The Joint Collector is the Chairman of the Committee, which finalises these admissions, but he did not sign the list of candidates who were to be admitted by the petitioner for pursuing this course and he did not forward it to the 2nd respondent.

4. On this ground, the students who were admitted by

petitioner institution were not allowed to write the examination even though they successfully prosecuted the course of study.

5. On 13-11-2014, this Court issued notice to respondents and permitted the students to appear for the examination, which was scheduled to commence from 18-11-2014, but directed that results be not announced.

6. Counter affidavit is filed by respondents stating that the petitioner had submitted examination applications of their regular students along with requisite examination fee but the selection list of candidates was without the signature of the Chairman, District Selection Committee i.e. the Joint Collector. A reference is made to G.O.Ms.No.314 Health, Medical and Family Welfare (D2) Department dt.16-08-1997, under which the Andhra Pradesh Multipurpose Health Workers (Female) Training Schools (Admission into Multipurpose Health Workers (Female) Training and Grant of Permission to Private Multipurpose Health Workers (Female) Training Schools) Rules, 1997 have been made and it is stated that in these Rules, the District Selection Committee, which admits the students to the Multipurpose Health Workers (Female) Training course consists of 5 persons i.e. the Joint Collector, District Medical and Health Officer, Superintendent of the District Headquarters Hospital, Deputy Director, Social Welfare and Principal of the petitioner institution. It is stated that the list

of selected candidates did not have the approval of the Joint Collector and therefore hall tickets were not issued to them to appear for the examination.

7. No where in the counter affidavit the respondents say why the Joint Collector did not sign the selection list of the admitted candidates even though 4 other members have signed.

8. Similar issue has arisen for consideration by this Court in W.P.No.5045 of 2012 where the students admitted to a Training institute for Multi Purpose Health Workers at Karimnagar were denied hall tickets to appear for examinations on the ground that the admission list of the institution was not signed by the Joint Collector. It observed :

“It is no doubt true that the Committee comprises of Joint Collector, District Medical & Health Officer, Superintendent of the District Head Quarters Hospital and Principal of the concerned training institute. However, it is not the duty of the petitioner to secure the premises of everyone. The admissions are required to be made according to the time bound programme. In case any member of the Committee, who happens to be a Government Official, is not present or does not put his signature, the admission process cannot be stalled, much less, the admissions become invalid. Respondent No.2 failed to notice that the authorities like the District & Medical Officer, the Social Welfare Officer and other members of the Committee have signed it. He assumed as though it is the duty of the petitioner to secure the presence of the Joint Collector and get his signature.”

9. Learned Government Pleader appearing for

respondents is not able to place any judgment to the contra. She is also not able to say why the Joint Collector did not sign the admission list when the other 4 members signed it.

10. Therefore, the Writ Petition is allowed and the action of the respondents in not issuing hall tickets to the students of the petitioner institution in spite of receiving examination fee by way of demand draft drawn in favour of respondents within the time, is held to be illegal, arbitrary and violative of Article 14 of the Constitution of India and since the students had already been permitted to appear the examinations pursuant to the interim order dt.13-11-2014 in W.P.M.P.No.43122 of 2014, the respondents are directed to declare the results of the students and issue certificates without raising any objection as to the validity of the admission of students. No costs.

11. As a sequel, miscellaneous petitions pending if any, in this Writ Petition shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-03-2016

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