

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4622 OF 2017

DATED : 27.02.2017

Between :

Dr.K.Vara Prasad S/o.K.Agattaiah,
Aged about 52 yrs,
Working as Assistant Professor of Micro Biology
At Gandhi Medical College, Secunderabad.

Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Department of Medical & Health,
Secretariat Buildings, Secretariat, Hyderabad & others.

Respondents



This court made the following :

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ORDER :

Heard. With the consent of both the counsel, the writ petition is disposed of at the admission stage.

2. In the year 2016 willingness was called from the Medical Officers possessing Post graduation/super speciality qualification, for being posted in the teaching side. Petitioner responded to the said requisition. At the time of exercising option, petitioner was working as Civil Assistant Surgeon in Tandur. Since the petitioner's wife is an Assistant Professor in Department of OPG & Gynecology at Sultan Bazar Maternity Hospital, Koti, Hyderabad, petitioner exercised option for posting him in Osmania Medical College. Though the first option given by the petitioner was for Osmania Medical College, he was posted to Gandhi Medical College, which is impugned in the present writ petition.

3. The said order of posting is challenged on the ground that the first option of the petitioner was to the Osmania Medical College and he being a senior, in accordance with the Government policy, he should have been posted to Osmania Medical College and not to Gandhi Medical College and such action of the respondents is arbitrary and illegal.

4. Petitioner's emphasis is on the executive policy of the Government which stipulates procedure for calling for options and granting of postings. By the present order of transfer and posting the service conditions of the petitioner are not affected. Petitioner

continues to be the Assistant Professor and he is given posting within the twin cities of Hyderabad. Osmania Medical College and Gandhi Medical College are located within the twin cities of Hyderabad and Secunderabad. Therefore, merely because the choice of posting is not given to the petitioner, no right accrue to the petitioner to contend that he should have been posted in Osmania Medical College. Even assuming that the administrative instructions are violated, mere violation of administrative instructions shall not give enforceable right to the petitioner to challenge the posting, more so, when posting is within the twin cities. I do not see any merit in the contentions of the petitioner to entertain the writ petition and the writ petition is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

27th February, 2017
Rds

P.NAVEEN RAO,J