

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 16161 OF 2004

DATED 31ST AUGUST, 2017

Between:

Government of Andhra Pradesh,
Rep. by the Secretary (Finance),
Secretariat, Hyderabad

... Petitioner

AND

Mancha Venkateswarlu and others

... Respondents

Counsel for the petitioner

:

G.P. for Services (A.P.)

Counsel for the respondents

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THE COURT MADE THE FOLLOWING

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed by the Government of Andhra Pradesh feeling aggrieved by order dated 23-09-2003 in O.A.No. 6718 of 1999 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), whereby it has allowed the said O.A. and set aside Memo No. 3906/559/SMPC/99 dated 10-09-1999 issued by the petitioner allotting surplus staff to 13 districts for appointment as Multi Purpose Health Assistants (for short, 'MPHA').

2. The ground on which the Tribunal has allowed the O.A. was that the MPHA post being technical in nature and requires fulfillment of certain qualification *i.e.* a pass in SIT course of one and half years or MPHA course for one year, work inspectors, who do not possess these qualifications, cannot be appointed as MPHA.

3. This Court granted an *interim* order suspending the order of the Tribunal on 10-09-2004. A perusal of the record shows that the Writ Petition was dismissed *qua* respondent Nos. 2 to 5 and 7 to 11 as notices were not served on them. Thus, the Writ Petition survives *qua* respondent Nos. 1 and 6 only. Learned Government Pleader for Services (A.P.) has submitted that in view of the *interim* suspension granted in the Writ Petition pending the Writ Petition, the work inspectors were subjected to MPHA course for one year. None appeared for respondent Nos. 1 and 6 though they have received notices. Since the qualification for holding the post of MPHA is either a pass in SIT course of one and half years or MPHA course for one year and the work inspectors are stated to have undergone MPHA course for one year, the order of the Tribunal is set aside, however, with the clarification that the petitioner must ensure that every

work inspector or any other surplus staff undergoes MPHA course for one year before he is absorbed in the said post.

4. The Writ Petition is accordingly allowed to the extent indicated above.

5. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 21097 of 2004 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

Date: 31-08-2017.
JSK

GUDISEVA SHYAM PRASAD, J.

