

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6971 OF 2017

DATED : 03.03.2017

Between :

Telangana Government Doctors Association (TGGDA),
Vaidya Bhavan, King Koti, Hyderabad,
Rep., by its President Pallam Praveen Kumar,
S/o.P.Satyanarayana, Aged about 46 yrs.

.. Petitioner

And

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

... Respondents



This court made the following :

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ORDER :

Petitioner claims that the 4th respondent is now being considered for promotion as Associate Professor of Anesthesiology, Gandhi Medical College and that such consideration is illegal as the 4th respondent is facing criminal proceedings and therefore he should not be considered for such promotion

2. As seen from the prayer itself, petitioner is seeking to stall consideration for promotion of 4th respondent even before such consideration takes place. Apparently, so far 4th respondent is not considered.

3. Whether 4th respondent is entitled to be considered pending criminal case would be within the purview of the competent authority.

4. The grievance for the petitioner would arise only if the promotion is made and if such promotion is illegal or contrary to the policy of the Government. This Court cannot injunct the competent authority against consideration of 4th respondent for promotion, even before such consideration takes place or even before promotion is made. The power of judicial review is available only when a decision is taken and the order is made.

5. An aggrieved person can agitate only after an order is passed by the authority. In the instant case that stage has not yet reached. Therefore, the claim in the writ petition is pre-mature and is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to work out his remedies as and when the cause of action arises. There shall be no order as to costs.

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

3rd March, 2017
Rds

P.NAVEEN RAO,J

