

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.7566 OF 2017

ORDER: (Per Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The petitioner, who was tentatively allocated to the State of Andhra Pradesh and had also exercised her option to the State of Andhra Pradesh, now contends that she is entitled to remain within the State of Telangana, and can no longer be allocated to the State of Andhra Pradesh, in view of the order of the Principal/Additional Director of Medical Education dated 27.01.2017, since she has been absorbed at the Director of Medical Education, Hyderabad, and posted as an Assistant Professor of Anatomy at the Gandhi Medical College, Secunderabad.

It is no doubt true that the Principal, Gandhi Medical College, Secunderabad, in the order dated 27.01.2017, has observed that, as per the orders of the Director of Medical Education, Hyderabad and the Director of Public Health and Family Welfare, Hyderabad *vide* proceedings dated 23.01.2017, the petitioner, on absorption with the Director of Medical Education, Hyderabad, was posted as the Assistant Professor of Anatomy at the Gandhi Medical College, Secunderabad. The proceedings also records that she has submitted her joining report as an Assistant Professor of Anatomy on the forenoon of 27.01.2017.

As noted hereinabove the proceedings in reference 1st cited, in the order dated 27.01.2017, are the proceedings of the Director of Medical Education dated 23.01.2017. In her proceedings dated 23.01.2017, the Director of Medical Education stated that the petitioner, who was working

in Mahabubnagar District, had attended the certificate verification process on 07.12.2016 and 08.12.2016, she had given her priorities, for the place of choice for absorption, as the State of Telangana; and she was posted as an Assistant Professor of Anatomy at Gandhi Medical College, Secunderabad, in the existing vacancy, on her request. The said proceedings makes it clear that the posting was subject to the outcome of the proceedings pending before the Tribunals/Courts, and was also subject to final allocation of posts and employees between the two states by the Government of India.

While the petitioner appears to have been tentatively allocated to the State of Andhra Pradesh, Sri N. Nagaraju, learned counsel appearing on her behalf, would submit that, since she was not relieved from her duties at Mahabubnagar, she continued to work all through in the State of Telangana, though she was tentatively allocated to the State of Andhra Pradesh. It is un-necessary for us to dwell on this aspect, as it is not in dispute that the petitioner has exercised her option to be finally allocated to the State of Andhra Pradesh and she has, in fact, been finally allocated, by the Government of India, to the State of Andhra Pradesh. As the basis of the order dated 27.01.2017 is the order of the Director of Medical Education dated 23.01.2017 and, as the said proceedings dated 23.01.2017, makes it clear that posting the petitioner, as the Assistant Professor of Anatomy at Gandhi Medical College, Secunderabad, was subject to final allocation of posts and employees, between the two States, by the Government of India, and as the petitioner has been finally allocated to the State of Andhra Pradesh, in accordance with her option to be finally allocated to that State, the petitioner cannot, on the basis of the order dated 23.01.2017 of the Director of Medical Education, claim that she should be continued or finally allocated to the State of Telangana. The

Writ Petition as filed is wholly misconceived and is, accordingly, dismissed.

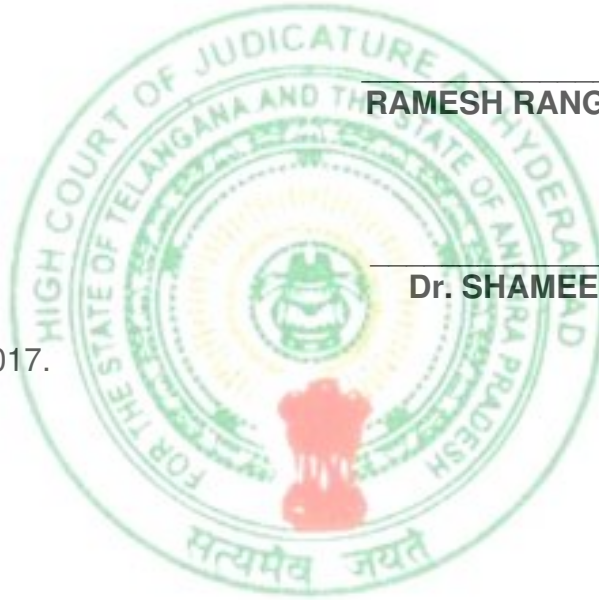
The petitioner's grievance of her juniors having been promoted in the State of Andhra Pradesh is unconnected with the final allocation process. It is always open to her to seek redressal even after she joins duty in the State of Andhra Pradesh, consequent on her final allocation to that state.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

RAMESH RANGANATHAN, ACJ

Dr. SHAMEEM AKTHER, J

Date: 20-03-2017.
DSH/SIVA



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WRIT PETITION No.7566 OF 2017

(Order of the Division Bench delivered by
Hon'ble the Acting Chief Justice Ramesh Ranganathan)

Date. 20-03-2017

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