

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.33898 of 2016

ORDER

The petitioner belongs to local ST (Agency) from Inole of Achampeta Mandal, Mahabubnagar District. He completed 10th class and underwent MPHA (M) Training and is eligible to the post of MPHA (M) on contract basis as per the existing statutory rules issued under G.O.Ms.No.273, HM and FW, dated 24.4.1989. While so, a notification was issued on 14.07.2012 for the posts of MPHA (M) for local STs in Mahabubnagar District. 16 posts were notified on contract basis. Pursuant to the same, the petitioner applied and participated in the written test conducted on 29.07.2012, secured 63 marks and was placed at Sl.No.35 in the merit list. Out of 16 posts, one post was reserved for physically handicapped category and 10 posts were reserved for STs from plain area for which both local STs & plain STs were eligible and 5 posts were reserved exclusively for local ST (agency area). At the time of appointments, when the name of the petitioner did not figure in the selection list, he filed the present writ petition.

The petitioner submitted a representation on 7.9.2016 and when the said representation was rejected by an order dated

nil.12.2016, he filed WPMP No.7686 of 2017 seeking amendment of the prayer for challenging the said proceedings.

A counter-affidavit is filed by the 2nd respondent stating that one Ghansya Naik secured 73 marks and he was given appointment on 20.6.2013, but he resigned the said post on 6.7.2013, which was accepted by the District Medical and Health Officer, Mahabubnagar, on 10.7.2013. In the said vacancy, the 5th respondent was appointed as he secured 72 marks in the written examination.

Learned counsel appearing for the petitioner submits that as per the note submitted to the District Collector, the name of the 5th respondent finds place at Serial No.18, but the case of the petitioner was rejected on the ground that he was not residing in the agency area. Learned counsel further submits that since the petitioner is the only remaining candidate from the agency area and secured 63 marks, he is entitled to be considered.

This Court carefully perused the list of original candidates submitted to the 3rd respondent and in respect of 5th respondent in the marks column, it was stated that he belongs to non-agency area, hence, his case was rejected. When his case was rejected

after verification of the record, it is not known how he was appointed in the said vacancy.

In the circumstances, this writ petition is disposed of directing the 3rd respondent to consider the case of the petitioner in the vacancy caused by G.Naik and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

20th November, 2017
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