

\* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN  
AND  
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Petition No.21308 of 2015

% Date: 12-12-2017

# N.Srinivas Goud S/o Bala Goud, 40 years,  
Unemployee, R/o H.No.2-31, Pochamma Street,  
Velpoor (V) & (M), Nizamabad District

... Petitioner

Vs.

\$ 1. The State of Telangana, Rep. by its Prl. Secretary,  
Health, Medical & Family Welfare Dept.,  
Telangana Secretariat, Hyderabad-22

2. The District Medical & Health Officer,  
Nizamabad-503 001

3. The District Collector, Nizamabad-503 001

4. G.Ganesh, Multipurpose Health Asst. (Male),  
O/o. The District Medical and Health Office,  
Nizamabad-503 001

5. The Hon'ble A.P. Administrative Tribunal,  
Rep. by its Registrar, Purani Haveli, Hyderabad

... Respondents

! Counsel for Petitioner: Mr. A.Satyam Reddy,  
Senior Counsel, representing  
Smt. K.V. Rajasree

Counsel for Respondents 1to3: GP for Services-I (TG)

Counsel for Respondents 4&5: ---

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> Head Note:

? Cases referred:  
Nil.

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Order: (per V.Ramasubramanian, J.)

The petitioner who actually succeeded in getting selection for appointment to the post of Multi Purpose Health Assistant (Male) has virtually failed on account of the systematic failure.

2. Heard Mr. A.Satyam Reddy, learned Senior Counsel appearing for the petitioner. The learned Government Pleader for Services-I (Telangana) takes notice for the respondents 1 to 3.

3. In the year 1999, there was recruitment to the posts of Multi Purpose Health Assistants (Male). By an order dated 02-11-1999, the petitioner was informed of his provisional selection and he was instructed to appear before the District Collector for counselling for appointment. When he appeared, he was not issued with a posting order.

4. Therefore, the petitioner filed an application in O.A.No.6830 of 1999 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Before the Tribunal, the respondents 2 and 3 submitted para-wise remarks indicating that the selection of one candidate by name G.Ganesh was actually at stake due to the candidate having studied in an unrecognised institution. The certificates were under verification in respect of that candidate. Therefore, the

Tribunal disposed of O.A.No.6830 of 1999 by an order dated 12-4-2004 to the following effect:

“5. As nearly 4½ years elapsed and the issue relating to the validity of the certificate obtained by Sri G.Ganesh who stood at Rank No.13 must have already been decided by the Tribunal or any other higher Courts, the District Medical & Health Officer, Nizamabad is directed to communicate the orders to the applicant about the result of the selection of the applicant, keeping in view the orders obtained by Sri G.Ganesh with regard to his selection, within a period of 2 months from the date of receipt of a copy of this order.”

5. The aforesaid order of the Tribunal was obviously wrong, for the reason that the petitioner was not kept in the waiting list or reserve list, so that his eventual appointment depended upon somebody vacating his post. But unfortunately, the wrong order of the Tribunal in O.A.No.6830 of 1999 was allowed to stand.

6. In the year 2015, the petitioner filed a contempt application in C.A.No.122 of 2015 contending that the order passed in O.A.No.6830 of 1999 was not complied with. But this contempt petition was not entertained on account of being barred by limitation.

7. Therefore, the petitioner filed one more application in O.A.No.3117 of 2015 for the very same relief as he made in the first application. That application was dismissed by the Tribunal forcing the petitioner to come up with the above writ petition.

8. It is true that the case of the petitioner is a very pathetic one. After having selected for appointment, he was not issued with a posting order. The excuse given by the contesting respondents that another person's appointment was the subject matter of a dispute on account of he having qualified from an unrecognised institute had nothing to do with the case of the petitioner, since the petitioner was not in the waiting list or reserve list.

9. But unfortunately, the petitioner did not challenge the order of the Tribunal in O.A.No.6830 of 1999, which put a wrong impediment in the path of the petitioner in getting appointment. Apart from not challenging the order of the Tribunal in O.A.No.6830 of 1999, the petitioner has also allowed the said order to remain as such for the past nearly 18 years. Hence, at this distance of time, it is not possible to grant any relief to the petitioner. Therefore, the writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

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V.RAMASUBRAMANIAN, J.

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M.GANGA RAO, J.

12<sup>th</sup> December, 2017.  
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(per VRS, J.)



12<sup>th</sup> December, 2017.  
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