

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION (TR) NO.782 of 2017

Date: 06.07.2017

Between:

Irpa Ramarao, S/o Chandraiah, Aged 26 years,
Un-employee, R/o Mamillagudem, Cherla Mandal,
Khammam District and others.

..... Applicants/Petitioners

and

The District Collector and Chairman, Integrated
Tribal Development Agency (ITDA), Bhadrachalam,
Khammam District and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners are un-employees. Petitioners filed O.A.No.578 of 2013 praying to issue direction to the respondents to fill up all the vacant posts of Multi Purpose Health Assistants (Male) in I.T.D.A, Bhadrachalam area of Khammam District. This O.A. is transferred to this Court.

2. This writ petition was instituted after the recruitment notification was issued to fill up 61 vacant posts of Multi Purpose Health Assistants in ITDA, Bhadrachalam area. Petitioners contend that as on that date there were 72 vacancies available and subsequently more vacancies have arisen and all vacancies ought to have been filled up and not filling up all available vacancies amounts to arbitrary exercise of power and is discriminatory.

3. The stand of the respondents, as reflected in the counter-affidavit filed on behalf of I.T.D.A, is to the extent of requirement, recruitment was taken up in the year 2011 and there were no further vacancies available and no further steps were taken.

4. In the counter-affidavit, deposed by the District Medical and Health Officer, it is stated that all precautionary measures and utmost care is being taken on tribal people health in the scheduled areas.

5. It is not in dispute that petitioners have not applied to the said notification and, therefore, how many vacancies are notified and how many vacancies are filled up is not relevant for the issue

agitated by the petitioners. If it is the only claim of petitioners that they being un-employees and belong to scheduled area, recruitment process should be taken up to fill all the vacancies available may be valid, to that extent only. According to the learned counsel for petitioners, as of now, there are 152 vacancies and if only these vacancies are filled up, opportunity to secure public employment for the petitioners is realized.

6. With reference to the availability of vacancies and desirability of making recruitment to the vacancies, no positive direction can be given by the Court. It is ultimately for the Government to decide how many vacancies are required to deal with the issue in concerned Department. In the instant case, the posts concerned are Multi Purpose Health Assistants, who are involved in health care administration at the gross-route level. The ITDA administering the scheduled area also required to provide medical facilities to the tribes and tribal people require proper health care management. It is desirable for the Government to take steps to fill the vacancies to the extent required, so that the provision of proper health care is not affected on account of lack of manpower at the field level. It is not in public interest to keep large number of vacancies unfilled for long years. Thus, Government may examine the issue with reference to filling up of vacancies of Multi Purpose Health Assistants in ITDA Bhadrachalam area, by duly making assessment of requirement and subject to administrative needs and necessities, take up appropriate steps as warranted to fill the vacancies to the extent required, by due process.

7. With the above observations, Writ Petition (TR) is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE P.NAVEEN RAO

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