

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
And
HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.20988 of 2017

ORDER : (Oral)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioners have assailed the order dated 31st May 2017, passed by the Tribunal in O.A.No.766 of 2017.

2. Petitioners have filed application under Section 19 of the Administrative Tribunals Act, 1985 before the Tribunal to declare the action of respondents in not issuing posting orders to the petitioners to the post of Multi Purpose Health Assistant (MPHA) (Male) in the office of District Medical and Health Officer, Ongole, Prakasam District as per the orders of District Collector in Rc.No.A/168/2013, dated 29.05.2016, as wholly illegal, arbitrary, without jurisdiction and violative of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the petitioners are entitled for issuance of posting orders in the post of MPHA (Male) by the 3rd respondent as per proceedings of District Collector & Magistrate, Ongole in Rc.No.A/168/2013, dated 29.05.2016.

3. The learned Tribunal dismissed the O.A. filed by the petitioners by recording that the respondents are yet to take decision and there are no final orders of rejection of their appointments as such. As it is only provisional selection subject to the verification of their certificates of disability and required qualification, the petitioners have no vested

claim to seek appointment orders to the post of MPHA (Male) in the office of District Medical and Health Officer, Prakasam District, without completion of said verification, which is part of the recruitment process. The learned Tribunal granted liberty to the petitioners that if they are aggrieved by any order passed by the respondents rejecting their case for appointment, they may challenge the same before appropriate forum after availing Statutory appeal.

4. The fact remains that the 1st respondent is yet to respond to the letter dated 10th August 2016, addressed by respondent No.3 as under:

“It is submitted that in the ref. cited, the Collector and District Magistrate, Ongole, Prakasam District has allotted 5 Multi Purpose Health Assistants (Male) to O/o. Dist. Medical & Health Officer, Ongole who were provisionally selected in Special Recruitment Drive of backlog vacancies for differently abled persons. Out of 5 MPHAs (M) allotted 4 individuals have obtained the One year certificate of Public Health and Sanitation technology qualification from Bethesda Institute of Health Sciences, Visakhapatnam.

While issuing the allotment orders it was directed by the Collector and District Magistrate, Ongole to verify the genuinity of the Educational qualifications of the individuals.

Accordingly, the Secretary, A.P. Paramedical Board, A.P., Hyderabad was addressed in the reference 2nd cited to verify the genuinity of the MPHA (M) certificates submitted by the individuals.

In reply to the reference 2nd cited, the Secretary, A.P. Paramedical Board, A.P., Hyderabad has addressed

the Collector and District Magistrate, Ongole stating that the certificates were issued by the Bethesda Institute of Health Sciences, Visakhapatnam which is not recognized by the AP Para Medical Board. The institution itself admitted students and conducted examinations and issued marks memos by self. A.P. Para Medical Board issued only certificate of Registration basing on WP.No.1790/2008 and it is still pending in the court and also a CBCID case was also filed against management by the then Secretary and requested the Collector to take decision regarding the applicants.

The file was circulated to the Collector and District Magistrate, Ongole and the Collector has issued note orders to write to Government for suitable instructions.

In view of the above, it is submitted to issue suitable instructions whether to consider the above individuals who have obtained the One year certificate of Public Health and Sanitation technology qualification from Bethesda Institute of Health Sciences, Visakhapatnam for appointment as MPHA (M) or not.”

5. It is not in dispute that the petitioners have applied for the post of Multi Purpose Health Assistant (Male) pursuant to Notification Rc.No.A/168/2013, dated 25.03.2013 for Group-IV Services of the District Collector and Magistrate, Prakasam to fill up the backlog vacancies for differently abled persons. Therefore, we hereby direct the 1st respondent to take decision on the letter dated 10th August 2016, addressed by the 3rd respondent, within 4 weeks from the receipt of copy of this order. Needless to state here that on the

decision taken by 1st respondent, the consequent process shall be taken up by the 3rd respondent.

6. In view of above direction, we dispose of the present petition.

No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

DR. SHAMEEM AKTHER, J

28th June 2017

ajr

