

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20795 OF 2017

ORDER:

It is the case of the petitioner that he completed B.Sc.(Nursing) four years degree course in the year 2009 from Dr.NTR University Health Centre and was also issued certificate to that effect. He has also undergone counselor training at NACO designated institute and his name was also registered in the A.P.Nurses, Midwives, Auxilliary Nurse-Midwives and Health Visitors Council, which is valid upto 08.04.2020. While so, the 4th respondent issued a public notice for recruitment of one Counselor and Data Manager at Antiretroviral Therapy Centre (ART) in Rajiv Gandhi Institute of Medical Sciences (RIMS), Adilabad, and the same was published in the newspaper on 27.08.2015 directing the interesting candidates to submit their Bio-Data to the 5th respondent within a week i.e. on or before 02.09.2015. In pursuance to the same, the petitioner submitted application for the post of Counselor and the respondents 3 to 5 have conducted examination and interview and in the selection process the petitioner was selected for the post of Counselor. The authorities have also orally informed the petitioner that he was selected to the post of Counselor. Thereafter, as no appointment letter was received from the respondents, the petitioner made application under Right to Information Act seeking to issue the copies of selection list and notification. Subsequently, after long time the respondent authorities furnished the details by proceedings dated 02.01.2017 which

discloses that the petitioner secured 78 marks in total and stood No.1 among 5 candidates. Immediately, the petitioner approached the respondents and requested to issue appointment orders, but, they have informed the petitioner that on the complaint made by some persons, the issuing of appointment orders were stopped. As such, the petitioner secured the alleged complaint given on 23.11.2015, wherein it was alleged that for the post of Data Manager some malpractices were done and the person who is not having any experience was selected. In the said complaint no allegations were made with regard to the appointment of Counselor. When there are no allegations and any malpractices, the respondents cannot stall the issuance of appointment order to the petitioner. Aggrieved by the action of the respondents in not issuing appointment letter to the petitioner, present writ petition is filed.

When the matter is listed on 27.06.2017, learned Government Pleader for Medical and Health sought time for getting instructions and this Court ordered Notice Before Admission. Thereafter, when the matter is listed on 07.07.2017, this Court adjourned the matter for instructions of the Government Pleader for Services. Again when the matter is listed on 10.07.2017 learned Government Pleader for Services sought time for filing counter and this Court ordered to list the matter on 24.07.2017. When the matter is listed on 25.07.2017, learned Government Pleader against sought further time for filing counter and this Court finally granted time and adjourned

the matter for one week. Even today, learned Assistant Government Pleader for Services seeks time.

It is to be seen that the selections to the posts of Counselor and Data Manager took place in the year 2015 and the petitioner specifically asserts that though he was selected to the post of Counselor the respondent authorities have not sent any appointment letter to him and when he made application under Right to Information Act seeking information with regard to selection list and notification the respondent authorities furnished the said information vide proceedings dated 02.01.2015 wherein it is found that the petitioner has secured 78 marks and the said proceedings discloses that the petitioner has been selected. Thereafter, when the petitioner approached the respondent authorities he was informed by the authorities that due to complaint dated 23.11.2015 the selection was stalled.

But, on perusal of the said complaint dated 23.11.2015, it is clear that the allegations are made only with regard to appointment of Data Manager Post but not the Counselor post. Though time was granted twice, no counter affidavit is filed by the Government Pleader which also goes to show that they have no justification in not issuing appointment letter to the petitioner.

In view of the facts and circumstances, the respondents 2 and 3 are directed to take further action for making appointment

in pursuance to the selection notification dated 27.08.2015, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

01.08.2017
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A. RAJASHEKER REDDY, J