

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.Nos.33570, 33578 & 34153 of 2013

COMMON ORDER:

Since the cause of action in all these writ petitions is similar, this Court deems it appropriate to dispose of the writ petitions by way of this common order.

2. According to the petitioners, they are the students undergoing Auxiliary Midwifery Training Course and joined in the 3rd respondent institution in the said course in December 2011/January 2012. There is no dispute that the said institution is a recognised institution. In terms of G.O.Ms.No.314, Health, Medical and Family Welfare Department dated 16.8.1997, which stipulated the procedure for admission of students in the said course, the District Medical and Health Officer (DM&HO), Nalgonda district-2nd respondent herein issued a notification, calling for applications from the students willing to join in the said course in various institutions including 3rd respondent herein. It is further stated that when the examination applications of the petitioners were sought to be submitted online, they were not accepted. On enquiry, they came to know that the same was due to failure on the part of DM & HO, Nalgonda in sending, after signing, to the 1st respondent. It is further stated that in response to the notification indicated supra, the petitioners herein sent the applications for admission and paid the requisite examination fee by way of Demand Drafts to the 3rd respondent institution.

3. According to the petitioners, they submitted the applications by duly paying the requisite fee in the name of 2nd respondent and enclosed all the required documents. It is further stated that the petitioners joined in the

3rd respondent institution, which prepared the select list of 20 candidates and sent the same to the 2nd respondent for approval. According to the petitioners, though they have attended the classes conducted by the 3rd respondent institution, the 1st respondent is not receiving applications on the ground that the approved list of selected candidates was not forwarded from Nalgonda district to the office of 1st respondent. In the above background, these writ petitions came to be filed.

4. This Court, while ordering notice on 22.11.2013, in W.P.M.P.No.4177 of 2013, passed interim order, directing the 1st respondent to receive applications of the petitioners for issuance of hall tickets and further directed to permit the petitioners to write Auxiliary Midwifery Training Course examinations scheduled to be held from 3rd December 2013 or any other date. This Court also ordered that the results should not be announced. Thereafter, W.P.M.P.Nos.30329 and 30330 of 2014 were filed, praying for a direction to the Respondents to announce to be results of the petitioners, who did take part in the examinations held in December, 2013 with a further direction to permit to write supplementary examinations, commencing from 28.10.2014. On 20.10.2014, this Court passed an order, directing the Respondents to announce the results of the petitioners who did write the examinations pursuant to the earlier interim orders of this court and further directing the Respondents to permit the petitioners herein to write supplementary examinations scheduled to be held from 28.10.2014 in the event of there being any failure in the earlier examinations. This Court also observed that the petitioners would not be entitled to ask for issuance of pass certificates till the disposal of the writ petitions.

5. Admittedly, the 3rd respondent institution is a recognised institution, imparting education in ANM Training Course. It is the case of the 3rd respondent in its counter that without there being any complaint, they have been running the institution. It is alleged in the counter affidavit that though the 2nd respondent issued a notification, calling for applications and though the name of the 3rd respondent was indicated in the said notification, the 2nd respondent did not allot any students to the 3rd institution and on the other hand, diverted the students to other institutions for extraneous considerations.

6. Curiously, there is no counter affidavit filed by the 2nd respondent in the writ petition. In the instant case, admittedly, pursuant to the orders of this Court, the petitioners herein took the examination and the only grievance of the petitioners now remains is non-issuance of certificates to the passed candidates. It is also significant to note that the 3rd respondent institution sent a list of candidates as long back as on 16.1.2017 to the office of the District Medical and Health Officer, Nalgonda and a copy of the said letter is placed on record along with the writ petition as a material paper and the said letter contains the seal of the office of the District Medical and Health Officer. If there is any mistake on the part of the office of the Director of Medical and Health in sending the said list sent by the 3rd respondent, the petitioners herein cannot be penalised. In this context, it may be appropriate to refer to the order of this Court in W.P.No.20459 of 2012. In fact, a copy of the said order is placed on record along with writ petition as material paper. In fact the above said writ petition was allowed by this Court as prayed for. It is also categorically stated in the counter affidavit of the 3rd respondent that the 3rd respondent had taken application forms from the office of the 2nd respondent and after the same being filled

up by the students, submitted the same in the office of the 2nd respondent by duly paying the requisite fee for each application.

7. Having regard to the above reasons and having heard the learned counsel for the petitioners and the learned Government Pleader, all these writ petitions are allowed, directing the Respondents to issue provisional and pass certificates to the petitioners herein. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 13.3.2018
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A.V.SESHA SAI, J





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