

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.6437 of 2018

ORDER:

Heard the learned counsel for the petitioners and the learned Advocate General appearing for the respondents.

2. Petitioners have filed this Writ Petition to declare Notification No.04 of 2018 dt.25-01-2018 issued by 2nd respondent for recruitment to the post of Pharmacist Grade.II in Director of Public Health & Family Welfare, Director of Medical Education and Telangana Vaidya Vidhana Parishad, as contrary to G.O.Ms.No.166 dt.09-09-2017.

3. The petitioners are aspirants to the post of Pharmacist Grade.II for which the impugned notification had been issued. Their contention is that the criteria prescribed in clause 4 (IX) of G.O.Ms.No.166 dt.09-09-2017 for selection for Pharmacist Grade.II were deviated in the impugned Notification No.4 of 2018 issued by 2nd respondent for recruitment to the post of Pharmacist Grade.II.

4. According to the petitioners, while G.O.Ms.No.166 mentions in clause 4 (IX), 70% marks for written test, 10% marks for seniority in terms of passing the qualifying examination and 20% marks for Government service on contract basis, in the Notification No.4 of 2018, the word 'marks' has been done away with, and though it is stated that weightage for written examination would be 70,

weightage for experience is shown as 30 and that this is contrary to clause 4 (IX) of G.O.Ms.No.166. They further contend that the impugned notification indicates that written examination would be conducted for 150 marks for which maximum 70 points would be given and this is also impermissible.

5. Learned Advocate General appearing for respondents however pointed out that the Notification No.4 of 2018 dt.25-01-2018 issued by 2nd respondent was on the basis of a requisition given by the General Administration Department to the 2nd respondent and that it was pursuant to G.O.Ms.No.216 General Administration (SER.A) Department dt.09-09-2017. He also clarified that, noticing this discrepancy between G.O.Ms.No.166 and G.O.Ms.No.216, on his advise, G.O.Ms.No.26 General Administration (Ser.A) Department dt.16-02-2018 had been issued. He pointed out that vide G.O.Ms.No.26 dt.16-02-2018, the General Administration Department has modified G.O.Ms.No.216 to bring it line with clause 4 (IX) of G.O.Ms.No.166 dt.09-09-2017. He stated that as per the amended selection procedure indicated in G.O.Ms.No.26, which modifies G.O.Ms.No.216, points for written examination would be retained at 70, 10 points would be given to seniority in terms of passing the qualifying examination and 20 points would be given for Government Service on contract basis. He also stated that instead of the words “marks”, the words “points” have been used, and that there is in essence now no difference between the Notification No.04 of

2018 dt.25-01-2018 and G.O.Ms.No.166 dt.09-09-2017 as the selection procedure mentioned in G.O.Ms.No.26 dt.16-02-2018 would be followed by 2nd respondent (and not what is stated in the Notification No.04 of 2018 which was as per G.O.Ms.No.216 dt.09-09-2017) as can be seen from G.O.Ms.No.26 dt.16-02-2018 which amended G.O.Ms.No.216 dt.09-09-2017. Also the Advocate General stated specifically that though the written examination would be conducted for 150 marks, the marks obtained by every candidate would be calculated treating the maximum marks as 70 proportionately and thus, there is no violation of G.O.Ms.No.166.

6. In view of this statement of the Advocate General, I am satisfied that 2nd respondent intends to conduct recruitment to the post of Pharmacist Grade.II in the three departments mentioned above only in accordance with the norms specified in G.O.Ms.No.166 dt.09-09-2017 as can be seen from G.O.Ms.No.26 dt.16-02-2018 which amended G.O.Ms.No.216 dt.09-09-2017.

7. In this view of the matter, I am satisfied that the respondents have not acted contrary to G.O.Ms.No.166 dt.09-09-2017 and would act in consonance with the same as explained by the Advocate General.

8. Therefore, the Writ Petition is dismissed at the admission stage. No costs.

9. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-02-2018
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