

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.43045 of 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the unsuccessful applicant in O.A.No.2506 of 2018 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was dismissed *vide* order dated 15.11.2018. Her prayer therein was to declare the action of the authorities in not notifying 44 vacancies of Multi Purpose Health Supervisors (Female) in Zone-I and notifying only 40 vacancies through proceedings dated 12.10.2018 as illegal. A consequential direction was sought to the authorities to fill up all the existing 44 vacancies by duly considering her candidature also. By the order dated 15.11.2018, the Tribunal opined that it was for the authorities to fill up the vacancies and in the event the petitioner-applicant came within the zone of consideration and her claim was not considered, she could have a cause of action. As that stage had not arisen, the Tribunal opined that there was no cause for filing of the O.A. and accordingly dismissed it.

On 28.11.2018, this Court directed the learned Government Pleader for Services, State of Andhra Pradesh, to get instructions as to why the notified vacancies were restricted to 40 when it was the claim of the petitioner-applicant that the existing vacancies would aggregate to 56 as on date.

Today, the learned Government Pleader placed before this Court a copy of the letter dated 01.12.2018 addressed to her by the Regional Director of Medical and Health Services, Government of Andhra Pradesh, Visakhapatnam. Therein, the Regional Director stated that the vacancies

available in the posts of Multi Purpose Health Supervisors in plain and sub-plain areas were 44. Out of these vacancies, the vacancies to be filled up as per merit-cum-seniority, duly observing the Rule of reservation, were 40 while the backlog vacancies of Physically Handicapped reservation category were 04. In so far as the tribal areas are concerned, the vacancies are stated to be 13 for which only eligible local scheduled tribe candidates would be eligible. The Regional Director further stated that the existing vacancies are yet to be filled up and they would be filled up in due course of time by observing the rule of seniority and the reservation policy.

We are also informed that the list of 40 candidates, who would be within the zone of consideration in so far as the aforestated 40 vacancies in plain and sub plain areas are concerned, does not include the name of the petitioner-applicant.

In the light of the aforestated facts, we are of the opinion the case of the petitioner-applicant can come up for consideration only at a later stage. We find no grounds to interfere with the order under challenge.

The writ petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Date: 10.12.2018
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