

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2282 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“....to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus setting aside G.O.Rt.No.604, dated 31.10.2018 issued by the 1st respondent as illegal and arbitrary, without jurisdiction and direct the 1st respondent to immediately appoint a Commissioner, who is a member of the medical profession as per section 3(3)(a) of Andhra Pradesh Vaidya Vidhana Parishad Act, 1986 (Telangana Adaptation Order) 2015 and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

Heard Sri S.Sandeep Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

The grievance of the petitioner-association is that the 1st respondent had issued G.O.Rt.No.604, dated 31.10.2018, whereunder one K.Manicka Raj, I.A.S, was given full additional charge of Commissioner, Telangana Vaidya Vidhana Parishad, which is contrary to Section 3(3)(a) of Andhra Pradesh Vaidya Vidhana Parishad Act, 1986 (for short ‘the Act’) (Telangana Adaptation Order), 2015.

Learned counsel appearing for the petitioner submits that though there are several senior most doctors, who are fully eligible to be appointed to the post of Commissioner, Telangana Vaidya Vidhana Parishad, the 1st respondent has given full additional charge to K.Manicka Raj, I.A.S, contrary to Section 3(3)(a) of the Act and therefore, the impugned G.O. is liable to be set aside.

Learned Government Pleader appearing for the respondents submits that in view of bifurcation of Vaidya Vidhana Parishad, seniority list is not finalized till date; that as a temporary measure, in-charge arrangements were made; that the 1st respondent has given full additional charge to K.Manicka Raj, senior I.A.S Officer, to act as Commissioner-Telangana Vaidya Vidhana Parishad and that some reasonable period may be granted to the respondents to appoint regular Commissioner from the medical profession in terms of Section 3(3)(a) of the Act.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of directing the respondents to appoint regular Commissioner to the 2nd respondent- Telangana Vaidya Vidhana Parishad, from medical profession strictly in terms of Section 3(3)(a) of the

Act, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

21st February, 2019
rkk

