

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4849 OF 2019

Dated : 11.03.2019

Between:

Smt.M. Sumalatha

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Petitioner

And

The State of Telangana,
rep. by its Principal Secretary,
Health, Medical & Family Welfare Department,
Hyderabad, Telangana State
and others.

..

Respondents



THE HON' BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4849 of 2019

ORDER:

Heard.

2. The petitioner claims to have passed intermediate and also obtained B.Pharmacy Certificate. The petitioner enrolled as Pharmacist in Andhra Pradesh Pharma Council, vide orders of the Government in G.O.Ms.No.67, Health, Medical and Family Welfare (D1) Department, dated 01.08.2015. Directions were issued for filling up 1330 posts of Pharmacists on contract basis in Rashtriya Bala Swasthya Karyakram under National Health Mission. 28 posts were earmarked to Nizamabad District. Accordingly advertisement was issued. According to the petitioner, in the selections conducted pursuant to advertisement, petitioner was empanelled at Serial No.42. Persons upto 40 were filled up and were appointed. Even though further selections were held in the year 2016, petitioner was not appointed as per previous merit list. The petitioner also claims to have submitted representation on 08.10.2018. The petitioner was aggrieved of non consideration of the representation. Aggrieved thereby, the petitioner filed W.P.No.41633 of 2018. This Court by order dated 19.11.2018, disposed of W.P.No.41633 of 2018, directing respondents to pass orders on the representation.

3. According to the learned counsel for the petitioner, so far no orders are passed. While so, a fresh indent is placed for filling up some

more posts i.e., five posts of Pharmacists, on 09.02.2018. This Writ Petition is filed challenging the decision to go for fresh selection ignoring the candidature of the petitioner.

4. As briefly noted above against ignoring the candidature of the petitioner, while appointing less meritorious candidate, as alleged by the petitioner in the earlier Writ Petition, he filed W.P.No.41633 of 2018 and the same is pending consideration before this Court. The present Writ Petition is against process initiated for filling up some more vacancies. Merely because petitioner was empanelled in the earlier selection, it may not be a ground to say that no selection can be made subsequently, before appointing the petitioner, as per earlier selection. Merely because petitioner was empanelled, no indefeasible right accrues to him to question and restrain the respondents from resorting to fresh recruitment. Therefore, the relief cannot be granted.

5. Accordingly, the Writ Petition is dismissed. However, this order does not come in the way of the prayer sought in W.P.No.41633 of 2018 as well as the petitioner participating in the fresh selections if any made. There shall be no order as to costs.

6. As a sequel thereto, Miscellaneous Petitions, if any, pending, shall stand closed.

JUSTICE P.NAVEEN RAO

11.03.2019

vhb