

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.7499 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

2. This Writ Petition is filed seeking a Writ of Mandamus declaring the impugned proceedings, dated 12-02-2019, issued by the 1st respondent to the extent of posting the petitioner as Civil Assistant Surgeon Specialist (Anesthesia) at Community Health Center, Chityal in Zone-V instead of Zone-VI only as illegal, arbitrary, discriminatory and unjust and sought consequential direction to the respondents to declare that the petitioner is entitled to be posted as per her option exercised in the web options in clear vacancies at Area Hospital. Tandaru or existing vacancies at Head Quarters Hospital, Sangareddy or any other vacancies in Zone-VI by modifying the orders, dated 12-02-2019 with all consequential benefits.

3. Heard Sri M.Ramgopal Rao, learned counsel for the petitioner and Smt. Vaddepalli Rachana, learned Standing Counsel for 1st respondent.

4. Petitioner contends that she is very much eligible and qualified to be appointed as Civil Assistant Surgeon and the respondents had issued notification on 15-08-2017 for the post of Civil Assistant Surgeon. The petitioner has responded to the said

notification. She further contends that she belongs to Zone-VI and the respondents have notified 24 posts in Zone-VI and she has participated in the selection process and was selected as Civil Assistant Surgeon but the respondents instead of giving posting orders in Zone-VI, posted the petitioner in Zone-V at Chityal which is contrary to the said notification.

5. Learned counsel for the petitioner contends that there are clear existing vacancies in Zone-VI and the petitioner has also submitted representation to the respondents on 26-02-2019 but the respondents have not passed any orders thereon.

6. Learned Standing Counsel for the 1st respondent contends that the petitioner was asked to opt for posting in the existing vacancies and she has exercised three options and accordingly she was given posting at Chityal in Zone-V as there are no vacancies in Zone-VI. However, she contends that in the process of selection for recruitment, certain posts were ear-marked and those unfilled posts will be filled up by way of direct recruitment and therefore, the petitioner's case cannot be considered against such vacancies. However, the case of the petitioner would be considered by the 1st respondent and appropriate orders will be passed.

7. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Writ Petition can be disposed of directing 1st respondent to consider the

representation of the petitioner dated 26-02-2019 and pass appropriate orders in accordance with law within a period of two weeks.

8. With the above observations, the Writ Petition is disposed of. No costs.

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 16-04-2019
kvr

