

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION (TR) No.1735 of 2017

ORDER:

This writ petition is disposed of at the stage of admission with the consent of learned counsel for the respective parties.

This writ petition is filed seeking the following relief :-

“....to declare the action of the respondents in not considering the case of the applicant for appointment to post of Medical Officer (Ayurveda) in Phase-I and Phase-II but rejected on the ground that it is not feasible for consideration under Phase-III which was cancelled by the Government vide Memo No.12536/J.3/2013.1 dt.11.2.2014 as illegal, arbitrary and against the principles of natural justice and set aside the same and consequently direct the respondents to consider the case of the applicant for appointment to the post of Medical Officer (Ayurveda) in Zone VI or Uppair of Dharoor Mandalor any other Zones in the existing vacancies”.

Heard Mr.P.V.Krishnaiah, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he is fully qualified and eligible to be appointed as a Medical officer (Ayurveda) and he has responded to the Notification issued by the respondents in Phase-I and Phase-II but he could not get selected in the said selection process. Thereafter, the petitioner has submitted an application to consider his case for appointment in any of the existing vacancies and the same was rejected by the respondents vide impugned Memo dated 11.02.2014. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that the case of the petitioner can be considered in any of the existing vacancies as the petitioner is fully eligible and qualified to be appointed to the post of Medical Officer and the action of the respondents in not appointing him as a Medical Officer is illegal and arbitrary and the

impugned Memo is liable to be set aside and appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment to the post of Medical Officer on contract basis in any of the existing vacancies.

Learned Government Pleader appearing for the respondents has contended that the petitioner has no right to seek a direction to appoint him in the existing vacancies and as and when the respondents take a decision to fill up the post of Medical Officer, the respondents would notify the same and it is always open for the petitioner to apply whenever the vacancies are notified. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the petitioner has no right to seek for his appointment in any of the existing vacancies and as and when the respondents notify the vacancies in the category of Medical officer, it is always open for the petitioner to respond to the said Notification and compete for the said post in accordance with the Rules. Therefore, this Court is not inclined to interfere with the impugned Memo passed by the respondents. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILU, J

Date: 16-12-2019
Prv

