

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20613 of 2018

ORDER:

With the consent of both the counsel, this writ petition is being disposed of at the stage of admission.

This writ petition is filed seeking the following relief :-

“..... to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the entire action of the respondents particularly the entire action of the respondents 1 and 2 in not issuing appointment orders to the post of MPHA(F) inspite of clean acquittal from the competent court in C.C.No.88/ 2011 on the file of Judl. Magistrate of First Class Spl., Mobile Court, Mahabubnagar, dated 31.5.2017 inspite of repeated requests from the petitioner consequent on acquittal from the competent court, as she was not considered for appointment even though she was selected for the post of MPHA(F) in pursuance of Notification No.2/ 2006 dated 20.10.2006 of the 2nd respondent while considering the others on the ground of pendency of above said criminal case is as highly illegal, arbitrary, unjust, improper, violative of all principles of natural justice and consequently to direct the respondents to forthwith consider the case of the petitioner for appointment to the post of MPHA(F) notification No.2/ 2006 dated 20.10.2006 of the 2nd respondent in view of clean acquittal from the competent court in C.C.No.88/ 2011 in the court of Judl. Magistrate of First Class Spl Mobile court, Mahabubnagar, dated 31.5.2017 with all consequential benefits, such as, seniority w.e.f. the day on which others were appointed in pursuance of above notification including other allied benefits”.

Heard Sri S.Satyanarayana Rao, the learned counsel for petitioner and the learned Government Pleader for Services-I.

It has been contended by the petitioner that she is fully eligible and qualified to be appointed to the post of Multipurpose Health Assistant (F). The respondents have issued Notification on 20.10.2006 and the petitioner has responded to the said Notification and after undergoing regular selection process, she was selected for the post of Multipurpose Health Assistant (F). But, the respondents have not considered the case of the petitioner for appointment to the post of Multipurpose Health Assistant (F) on the ground that criminal case i.e., C.C.No.88 of 2011 is pending against her for the offences punishable under Sections 420, 468 and 471 IPC.

Learned counsel appearing for the petitioner has submitted that the Judicial Magistrate of Special Mobile Court, Mahabubnagar, was pleased to acquit the petitioner vide judgment dated 31.05.2017. Thereafter, the petitioner has been requesting the respondents to consider her case for appointment to the post of Multipurpose Health Assistant (F). But, the respondents have not considered the case of the petitioner. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment to the post of Multipurpose Health Assistant (F) by duly taking into account the acquittal given by the competent criminal Court.

Learned Government Pleader appearing for respondents has contended that the respondents would consider the case of

the petitioner, if the petitioner submits fresh representation before the respondents.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVIL

19.06.2019

Prv

