

**HIGH COURT FOR THE STATE OF TELANGANA :: AT
HYDERABAD**

WRIT PETITION NO.2056 OF 2020

Between:

Gundepuri Swarupa, d/o. G.Kanakaiah,
Aged 28 years, occu: Unemployee,
r/o.H.No.1-22, Bramahana Vellemla village,
Narkatpally mandal, Nalgonda district and
another.

.... Petitioners

and

The Telangana State Public Service Commission,
rep.by its Secretary, Nampally, Hyderabad and
another.

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 03.02.2020

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

1. Whether Reporters of Local Newspapers : No
may be allowed to see the Judgments ?
2. Whether the copies of judgment may be : **Yes**
marked to Law Reporters/Journals
3. Whether Their Lordship wish to : No
see the fair copy of the Judgment ?

***THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

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.... Respondents

!Counsel for the petitioners : Mr. M.R. Tagore

Counsel for the Respondents : Mr D.Bala Kishan Rao for
respondent No.1;
Govt.Pleader for respondent No.2

<Gist :

>Head Note:

? Cases referred:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.2056 OF 2020

ORDER:

Petitioners claim to be the local candidates of combined Nalgonda district and belong to BC-A (Women) and BC-E (Women) category. They possessed Intermediate pass certificates and they have completed Multipurpose Health Worker (Female) Training Course conducted by the Board of Examinations under the control of the Commissionerate of Family Welfare. This course requires 18 months of training. Petitioners completed the said training in the years 2009 and 2004, respectively. The Public Service Commission issued recruitment notification No.20/2018, dated 27.07.2018, notifying the recruitment process to select eligible candidates for the post of Health Assistant. 50 numbers of vacancies are identified, for which selection process was set in motion. The notification prescribed, among other qualifications, possession of certificate in Multipurpose Health Assistant Training Course/ Sanitary Inspector Training Course Certificate awarded by the Chairman, Board of Examinations, constituted by the Government of Telangana or from Government of India/ Government of Telangana Recognized Institution. Petitioners participated in the selection process and both of them secured high merit and were within the merit for appointment as Health Assistants against BC-A (Women) and BC-E (Women) category. In the final selection list for appointment, the names of petitioners are not included. Aggrieved thereby, this Writ Petition is filed.

2. According to the learned counsel for petitioners as it emerges from the information furnished to them, petitioners are held not

eligible to be appointed as Health Assistants on the ground that they do not have qualification of Multipurpose Health Assistant Training Course certificate.

3. According to the learned counsel for petitioners, for women the only training course that is imparted is called as Multipurpose Health Worker (Female) Certificate Course, which is nothing but Multipurpose Health Assistant Training Course imparted to male candidates and, therefore, merely because certificate awarded to the petitioners is not described as 'Multipurpose Health Assistant Training Course', their entitlement could not have been rejected. Learned counsel further submits that vide G.O.Ms.No.112 Health, Medical and Family Welfare (J2) Department, dated 12.06.2012, the qualifications required for admission into Andhra Pradesh Multipurpose Health Workers (Male) Training Institutions (Admission into Multipurpose Health Workers (Male) Training and Grant of permission to Private Multipurpose Health Workers (Male) Training Institutions) Rules 2009 were amended. In the Rules, the name of the course of study is changed from 'the Multipurpose Health Workers (Male)' to that of 'Multipurpose Health Assistant (Male)'. He would therefore submit that merely because similar change is not affected in the recruitment rules, cannot be a ground to reject the eligibility of petitioners. In support of his contention that there is a wrong entry made in the service rules, contrary to the nature of certificate required and awarded to the candidates, who successfully undergo requisite training, he has also placed reliance on Rules notified vide G.O.Ms.No.273 Health, Medical and Family Welfare (H-1) Department, dated 24.04.1989, governing the post of Multipurpose Health Extension Officer, wherein the

requisite qualifications prescribed is only certificate of Multipurpose Health Workers Training Course.

4. The recruitment notification and the selection process undertaken by the Public Service Commission are based on the requisite eligibility criteria as prescribed in the Rules governing the post. In Rule 6 of the Andhra Pradesh Municipal Health (Municipalities) Subordinate Service Rules, 2012 notified vide G.O.Ms.No.84, dated 14.02.2012, the eligibility criteria prescribed to the post of Health Assistant is same as mentioned in the recruitment notification. Admittedly, petitioners do not have the certificates as required by the Recruitment Rules. Whether the course content of Multipurpose Health Workers (Female) Training is same as Multipurpose Health Assistant Training Course cannot be gone into, more so when relevant provision of special rules is not under challenge. Similarly, whether as a consequence to change of description of the certificate course administered by the concerned institutions, the Government erred in not undertaking the amendments to the Service Rules also cannot be gone into in the absence of a challenge to the Special rules. Admittedly, certificates awarded to the petitioners are not the same as prescribed in the recruitment notification, which is based on the recruitment rules. Therefore, it cannot be said that not recommending the petitioners for appointment as Health Assistants by the Public Service Commission, though they secured merit, as erroneous, warranting interference by this Court. Thus, leaving it open to petitioners to work out their remedies, if so advised, against the relevant provision in the recruitment

notification, Writ Petition is dismissed. Pending miscellaneous petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 03.02.2020
kkm

Note: LR copy to be marked : Yes



HON'BLE SRI JUSTICE P.NAVEEN RAO



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