**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD**
**(Special Original Jurisdiction)**

MONDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

**PRESENT**

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

## WRIT PETITION NOs. 15427 AND 15441 OF 2020

## WRIT PETITION NO. 15427 OF 2020

**Between:**

1. Mohammed Fasiuddin, S/o. Khaja Mohiuddin, Aged about 43 years, R/o. 19-5-164/3/1, Telangana Colony, Warangal.
2. A. Sagar, S/o. Veeraswamy, Aged about 43 years, R/o. H.No. 20-13-146, Fort, Warangal East, Warangal.
3. T. Venugopal Reddy, S/o. Narsi Reddy, Aged about 50 years, R/o. Kistagudem, Kundaram Post, Lingalaganpur Mandal, Jangam, Warangal.
4. A. Prem Prasad, S/o. Komuraiah, Aged about 45 years, R/o. Ellanda Post, Waradhannapet Mandal, Warangal.
5. Thota Praveen Kumar, S/o. Eshwaraiah, Aged about 43, R/o. H.No. 7-2-113, Machilibazar, Hanmakonda, Warangal.
6. Mandala Lingamurthy, S/o. Kanakaiah, Aged about 47 years, R/o. H.No. 1-22/A, Papaiahpet Post & Village, Chennaraopet Mandal, Warangal Rular, Warangal.
7. Namani Surender, S/o. Rajaiah, Aged about 47 years, R/o. H.No. 2-115, Papaiahpet Post & Village, Chennaraopet Mandal, Warangal Rular, Warangal.
8. Jatothu Srinivas, S/o. Tharachand, Aged about 39 years, R/o. H.No. 3-18, Jatothu Thanda, Eluguru Post, Sangam Mandal, Warangal Rular, Warangal.
9. Gudiboina Suresh, S/o. Papaiah, Aged about 45 years, R/o. H.No. 11-17-133, Kashibugga, Warangal.
10. Petloju Prasad, S/o. Narsimha Chary, Aged about 45 years, R/o. H.No. 4-6-36, Venkannakunta, Jangam, Warangal.
11. Chennamadhavuni Sudharshan Raju, S/o. Laxman Raju, Aged about 53 years, R/o. H.No. 4-34, Bachannapet Post & Mandal, Jangam, Warangal.
12. Koneri Shiva Kumar, S/o. Venkusu, Aged about 42 years, R/o. 13-1-184/1, Mettawada, Warangal Urban, Warangal.
13. B. Vijay Raj, S/o. B. Solmon, Aged about 44 years, R/o. H.No. 11-24-493, Pochammaidan, Warangal.
14. Bhanothu Sariya, S/o. Mangya, Aged about 46 years, R/o. 16 Chinthal Thanda Yellaiahgudem Post, Chennaraopet Mandal, Warangal Rural, Warangal.
15. B. Sammi Reddy, S/o. Chandra Reddy, Aged about 51 years, R/o. Urugonda Village, Damera Mandal, Warangal Rural, Warangal.
16. J. Venkateshwara Sharma, S/o. Narasimha Moorthy, Aged about 51 years, R/o. 12-100/1, Brahmana Street, Parkal, Warangal Rural, Warangal.
17. N. Kamalakar, S/o. Venkataiah, Aged about 48 years, R/o. Elukurthy Haveli Post, Geesugonda Mandal, Warangal Rural, Warangal.
18. S. Kishore Kumar, S/o. Laxminarayana, Aged about 41 years, R/o. Parkal, Warangal Rural, Warangal.

**...PETITIONERS**

**AND**

1. The Director of Public Health & Family Welfare, Government of Telangana, Hyderabad.
2. The State of Telangana, rep. by its Principal Secretary, Health, Medical & Family Welfare Department, Secretariat, Hyderabad.
3. The District Medical and Health Officer, Warangal, Warangal District.
4. The District Collector, Warangal, Warangal District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the Respondents in not considering the

case of the petitioners for appointment to the post of Multipurpose Health Assistants (MPHA) (M), even though they secured more marks than the candidates reappointed vide G.O. Rt. No. 1207, dt: 09.10.2013, inspite of the orders of this Hon'ble High Court in WVMP. No. 2120/2015 in W.P. No. 3178/2014 dt: 15.09.2015, as illegal, arbitrary, discriminatory and violative of Articles 14, 16 & 21 of the Constitution of India and consequently, direct the Respondents to appoint the Petitioners to the post of MPHAs(M), as they have secured more marks than the candidates reappointed vide G.O. Rt. No. 1207, dt: 09.10.2013, strictly by implementing orders of this Hon'ble Court in WVMP. No. 2120/2015 in W.P. No. 3178/2014 dated 15.09.2015, as was done in respect of similarly placed persons, with all service and monitory benefits.

**IA NO: 1 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents, to consider the representation of the Petitioners dt: 03.02.2020, 11.02.2020 & 19.02.2020 regarding their appointment to the post of MPHAs(M), strictly by implementing the orders of this Hon'ble High Court dt: 15.09.2015, in WVMP. No. 2120/2015 in W.P. No. 3178/2014, keeping in view of the merit marks secured by them, in preference to the candidates reappointed vide G.O. Rt. No. 1207, dt: 09.10.2013, as was done in respect of similarly placed persons.

## WRIT PETITION NO. 15441 OF 2020

**Between:**

1. Mittapally Govardhan, S/o. Janardhan, Aged about 40 years, R/o. Lingala Village, Regonda Mandal, JS Bhupallapaly, Warangal.
2. A. Ashok Kumar, S/o. Sammaiah, Aged about 44 years, R/o. Repaka Village, Regonda Mandal, JS Bhupallapaly, Warangal.
3. P. Ramu, S/o. Ramanaiah, Aged about 41 years, R/o. Repaka Village, Regonda Mandal, JS Bhupallapaly, Warangal.
4. P. Suman Kumar, S/o. Ailaiah, Aged about 43 years, R/o. Repaka Village, Regonda Mandal, JS Bhupallapaly, Warangal.
5. M. Surender, S/o. Narsaiah, Aged about 44 years, R/o. CSI Colony, Parkal Mandal, Warangal.
6. T. Raju, S/o. Shankaraiah, Aged about 44 years, R/o. Challapally Post, Parkal Mandal, Warangal.
7. M. Muralidhar, S/o. Raja Pochaiah, Aged about 45 years, R/o. Parkal Village, Warangal.
8. Boddula Vamana Swamy, S/o. Mallesham, Aged about 40 years, R/o. Kotanch Village, Regonda Mandal, Warangal.
9. M. Vasudeva Reddy, S/o. Sambashiva Reddy, Aged about 41 years, R/o. Cherlapally Village, Parkal Mandal, Warangal.
10. Aldi Suresh, S/o. Saraiah, Aged about 44 years, R/o. Parkal Village, Warangal.
11. Aldi Ramesh Babu, S/o. Saraiah, Aged about 51 years, R/o. Parkal Village, Warangal.

**...PETITIONERS**

**AND**

1. The Director of Public Health & Family Welfare, Government of Telangana, Hyderabad.
2. The State of Telangana, rep. by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Hyderabad.
3. The District Medical and Health Officer, Warangal, Warangal District.
4. The District Collector, Warangal, Warangal District.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the Respondents in not considering the case of the Petitioners for appointment to the post of Multipurpose Health Assistants (MPHA) (M), even though they secured more marks than the candidates reappointed vide G.O. Rt. No. 1207, dt: 09.10.2013, inspite of the orders of this Hon'ble High Court in WVMP. No. 2120/2015 in W.P. No. 3178/2014 dt: 15.09.2015, as illegal, arbitrary, discriminatory and violative of Articles 14, 16 & 21 of the Constitution of India and consequently, direct the Respondents to appoint the Petitioners to the post of MPHAs (M), as they have secured more marks than the candidates re-appointed vide G.O. Rt. No. 1207, dt: 09.10.2013, strictly by implementing orders of this Hon'ble Court in WVMP. No. 2120/2015 in W.P. No. 3178/2014 dated 15.09.2015, as was done in respect of similarly placed persons, with all service and monitory benefits.

**IA NO: 1 OF 2020**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents, to consider the representations of the Petitioners dt: 24.02.2020 and 02.03.2020, regarding their appointment to the post of MPHAs(M), strictly by implementing the orders of this Hon'ble High Court dt: 15.09.2015, in WVMP. No. 2120/2015 in W.P. No. 3178/2014, keeping in view of the merit marks secured by them, in preference to the candidates reappointed vide G.O. Rt. No. 1207, dt: 09.10.2013, as was done in respect of similarly placed persons.

**Counsel for the Petitioners in both the Petitions: SRI POODATTU AMARENDER**

**Counsel for the Respondents in both the Petitions: GP FOR SERVICES - II**

**The Court made the following: COMMON ORDER**

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION Nos.15427 and 15441 of 2020**

**COMMON ORDER:**

Since the issue raised in these two writ petitions is one and the same, they are being disposed of at the admission stage with the consent of both parties.

Heard Mr.P.Amarender, learned counsel appearing for the petitioners and the learned Government Pleader for Services-II appearing for the respondents.

For the sake of convenience, the facts in W.P.No.15427 of 2020 are discussed hereunder :-

W.P.No.15427 of 2020 is filed seeking the following relief:

> ".... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondents in not considering the case of the petitioners for appointment to the post of Multipurpose Health Assistants (MPHA) (M) even though they secured more marks than the candidates reappointed vide G.O.Rt.No.1207 dt.09.10.2013 in spite of the orders of this Honble High Court in WVMP No.2120/2015 in W.P.No.3178/2014 dt.15.09.2015 as illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the Respondents to appoint the Petitioners to the post of MPHAs(M), as they have secured more marks than the candidates reappointed vide G.O.Rt.No.1207, dt.09.10.2013 strictly by implementing orders of this Honble Court in WVMP.No.2120/2015 in W.P.No.3178/2014 dated 15.09.2015 as was done in respect of similarly placed persons with all service and monitory benefits.....".

It has been contended by the petitioners that they are fully eligible and qualified to be appointed as Multi Purpose Health

Assistants and in pursuance of the Notification, the respondents have finalized the selection process and given appointment orders to the selected candidates vide G.O.Rt.No.1207 dated 09.10.2013. They have secured more marks than the persons, who have selected and the issue came up for consideration before the Hon'ble Division Bench of this Court in W.P.No.38060 of 2013 and batch and the Hon'ble Division Bench was pleased to grant interim order and when vacate stay application was filed, the Hon'ble Division Bench has modified the earlier order and passed the interim order on 15.09.2015. The operative portion of the interim order granted on 15.09.2015 reads as follows:-

> ".....In these set of circumstances, as the ends of justice would be met with adequately, we direct both the States, namely, the State of Andhra Pradesh and the State of Telangana, to offer appointments as Multi Purpose Health Assistants (Male) to the respective candidates in each District under their respective administrative control, who secured more marks than any of those candidates to whom the appointment as contract basis has been offered pursuant to the recommendations made by the group of Ministers which was accepted by the State Government through their G.O.Rt.No.1207 and such candidates shall also be offered and be subjected to the same terms and conditions and if they accept the same they can be taken into services. Let this exercise in the respective Districts be completed within a maximum period of two months.
>
> With this modification, the WVMPs stand ordered.
>
> List all these writ petitions under the caption 'part-heard' after a couple of weeks.
>
> This order shall not be construed as a reflection of our opinion that the 1200 candidates who have been offered employment on contract basis pursuant to the orders contained in G.O.Ms.No.1207 dated 09.10.2013 shall be discontinued."

The above said order is implemented in the State of Andhra Pradesh.

Learned counsel appearing for the petitioners had contended that the petitioners are also standing on the same footing. The petitioners have secured more marks than the persons, who were selected vide G.O.Rt.No.1207 dated 09.10.2013. The petitioners have submitted detailed representations on 03.02.2020, 10.02.2020 and 19.02.2020 requesting the respondents to consider their case for appointment to the post of Multi Purpose Health Assistant in terms of the interim order passed by the Division Bench of this Court in W.P.No.38060 of 2013 and batch, dated 15.09.2015. But, so far, the respondents have not passed any orders on the said representations. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioners and pass appropriate orders by duly taking into account the interim order passed by the Division Bench of this Court in W.P.No.38060 of 2013 and batch, dated 15.09.2015.

Learned Government Pleader appearing for the respondents contended that batch of writ petitions are pending before the Division Bench of this Court. However, since the representations of both the petitioners are pending before the respondents, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions made by the parties, is of the considered view that these writ petitions can be disposed of directing the respondents to consider the

representations submitted by the petitioners in W.P.No.15427 of 2020 on 03.02.2020, 10.02.2020 and 19.02.2020 and the petitioners in W.P.No.15441 of 2020 on 24.02.2020 and 02.03.2020 and pass appropriate orders by duly taking into account the interim order passed by the Division Bench of this Court in W.P.No.38060 of 2013 and batch, dated 15.09.2015, within a reasonable period, preferably within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, these writ petitions are disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

**SD/- N.CHANDRA SEKHAR RAO**
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Director of Public Health & Family Welfare, Government of Telangana, Hyderabad.
2. The Principal Secretary, Health, Medical and Family Welfare Department, State of Telangana, Secretariat, Hyderabad.
3. The District Medical and Health Officer, Warangal, Warangal District.
4. The District Collector, Warangal, Warangal District.
5. One CC to Sri Poodattu Amarender, Advocate [OPUC]
6. Two CCs to GP for Services - II, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies.

MP

**HIGH COURT**

**DATED:28/12/2020**




**COMMON ORDER**

**W.P. NOs. 15427 AND 15441 OF 2020**

**DISPOSING OF THE WRIT PETITIONS WITHOUT COSTS**

(9) VLV 7/1/21