

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

**TUESDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 20090 OF 2009

Between:

Sale Ravi, S/o.Sundaraiah, Aged 40 years, R/o.Pindiprolu Village,
Thirumalayapalem Mandal, Khammam District.

...PETITIONER

AND

1. The Commissioner Department of AYUSH, A.P., Hyderabad.
2. The Regional Deputy Director (FAC), Department of AYUSH, H.No.2-5-906/1, Velugu Old Building, Opp:Circuit Guest House Hanumakonda,-506001, Warangal A.P.
3. The Selection Committee, SNOs Khammam dist, Under NRHM Scheme, 2007-08 Zone V Khammam.
4. Mr.M.Venugopal, S/o.Subba Rao, H.No.9-1-37, Medical colony Bhadrachalam, Khammam 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 a writ, order or direction declaring the action of the respondents in not selecting the Petitioner herein as SNO (Sweeper cum Nursing Orderly), in Khammam District Under NRHM Scheme 2007-08, ZONE-V as he is belonging to SC General Community and within the age exemption given by the 2nd respondent and in selecting the 4th respondent, in Khammam District under NRHM Scheme 2007-08, Zone -V though is over aged and belonging to OC Community, only on the ground that he secured 7.5 marks in oral test and consequently direct the respondent to select the petitioner by setting aside the appointment of the 4th respondent as SNO in Khammam district under NRHM scheme 2007-08 Zone V.

I.A.NO:1 OF 2009(WPMP. NO: 26202 OF 2009)

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 select the petitioner by setting aside the appointment of the 4th respondent as SNOs in Khammam district under NRHM scheme 2007-08 Zone V pending disposal of the writ petition.

I.A.NO:1 OF 2011(WPMP. NO: 25047 OF 2011)

Between:

Sale Ravi, S/o.Sundaraiah, Aged 40 years, R/o.Pindiprolu Village, Thirumalayapalem Mandal, Khammam District.

...PETITIONER

AND

1. The Commissioner Department of AYUSH, A.P., Hyderabad.
2. The Regional Deputy Director (FAC), Department of AYUSH, H.No.2-5-906/1, Velugu Old Building, Opp:Circuit Guest House Hanumakonda,-506001, Warangal A.P.
3. The Selection Committee, SNOs Khammam dist, Under NRHM Scheme, 2007-08 Zone V Khammam.
4. Mr.M.Venugopal, S/o.Subba Rao, H.No.9-1-37, Medical colony Bhadrachalam, Khammam District.

...RESPONDENTS

5. Sk.Obedulla, S/o.Abdul Khader, aged 34 years, Occ :SNO, R/o.7-2-132, Rikab Bazar, Khammam.
6. Banoth Nageswara Rao, S/o.Hanuma, aged 34 years, Occ : SNO, R/o.Paleur Village, Kusumanchi Mandal, Khammam District.

.....PROPOSED RESPONDENTS/RESPONDENTS

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 permit the petitioner to implead the proposed Respondents as Respondents 5 & 6 in WP No. 20090 of 2009 and as well as in WPMP's also.

I.A.NO:1 OF 2023

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 permit the petitioner to file the following documents 1. Answer Sheets and 2. Selection list as additional documents in WP No.20090/2009 in the interest of justice.

Counsel for the Petitioner : SRI.V.BRAHMAIAH CHOWDARY

Counsel for the Respondent Nos.1 to 3:GP FOR MED HEALTH AND FAMILY WELFARE

Counsel for the Respondent No.4 : SRI.P.V.RAMANA

The Court made the following ORDER

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.20090 of 2009

ORDER:

Aggrieved by the action of the respondents in not selecting the petitioner as Sweeper cum Nursing Orderly in Khammam District, under NRHM Scheme 2007-08, Zone-V, as he is belonging to SC General Community and as he comes within the age exemption given by the respondent No.2 – Regional Deputy Director (FAC), Department of Ayush, Hanumankonda, Warangal, and in selecting the respondent No.4 though he is over-aged and belonging to OC Community and to direct the respondent authorities to select the petitioner by setting aside the appointment of the respondent No.4, the petitioner has filed the present Writ Petition.

2. Learned counsel for the petitioner has stated that as per the notification, the maximum age prescribed for the post of Compounder and Sweeper-cum-Nursing Orderly, as on 01.04.2008, should be between 18-34 years for O.C. Candidates and for B.C./S.C./S.T. candidates, it should be

between 18-39 years, therefore, the respondent No.4 was ineligible for being selected as Sweeper-cum-Nursing Orderly, as, he has crossed the age of 34 years as on 01.04.2008. That the authorities without verifying the correct credentials of the respondent No.4 have selected the respondent No.4 for the post of Sweeper-cum-Nursing Orderly. The learned counsel has stated that the respondent No.4 had obtained 89.80 marks and in case the application of the respondent No.4 is rejected on the sole ground that he does not meet the eligibility criteria, the petitioner could have been selected for the post of Sweeper-cum-Nursing Orderly.

3. Per contra, the learned counsel appearing on behalf of the respondent No.4 has stated that the respondent No.4 was selected for the post of Sweeper-cum-Nursing Orderly based on the marks that he had obtained in the examination and also in the oral interview. That the notification issued by the respondent No.2 is not supported by any Government Order or Rules and Regulations. That the respondent No.4 is the fully qualified candidate, therefore, the contention of the petitioner

that the respondent No.4 has crossed the age of 34 years by the time of written examination is not correct.

4. Without going into the merits or demerits of the case, having regard to the fact that the present Writ Petition was admitted on 18.09.2009 and no stay or conditional order to the effect that the selection of the respondent No.4 shall be subject to the result of the present Writ Petition has been granted by this Court, no useful purpose will be achieved even the present Writ Petition is allowed merely on the ground that the respondent No.4 has completed the age limit prescribed by the authorities by a few months. Further, as seen from the cause title, the petitioner was aged 40 years at the time of filing the present Writ Petition and as on date, he will be aged more than 54 years, therefore, by any stretch of imagination, even if the present Writ Petition is allowed, the petitioner cannot get the benefit of such vacancy and be given the post of Sweeper-cum-Nursing Orderly. In view of the same, this Court does not find any reason to set aside the selection of the respondent No.4 at this length of time.

5. This Writ Petition is dismissed accordingly.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

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SECTION OFFICER

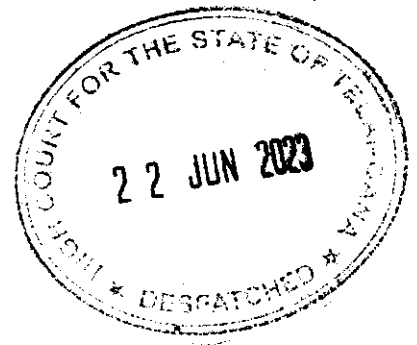
To

1. Two CCs to GP FOR MED HEALTH AND FAMILY WELFARE, High Court for the State of Telangana at Hyderabad. [OUT]
2. One CC to SRI.V.BRAHMAIAH CHOWDARY, Advocate [OPUC]
3. One CC to SRI.P.V.RAMANA, Advocate [OPUC]
4. Two CD Copies

S.A
GJP 

HIGH COURT

DATED:25/04/2023



ORDER

WP.No.20090 of 2009

**DISMISSING THE W.P
WITHOUT COSTS.**

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14/6/23