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APHC010498622025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 25468 OF 2025

Between:

1. Dr. U. Sree Hari,, S/o U. Venkatesu, aged 51 years, Occ: Civil Surgeon Specialist /Civil Surgeon Resident Medical Officer (Hospital Administration), King George Hospital Visakhapatnam

...Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Health Medical and Family Welfare Dept, Secretariat, Velagapudi, Guntur District.

2. The Director of Medical Education, AP, Old Govt. General Hospital, Vijayawada.

3. The Director of Public Health and Family Welfare, State of AP, Gollapudi, Vijayawada.

4. B V Ramana, S/o Not Known, Aged 16-5-1973 about 54 years, Occ Dy. Collector now working as Administrator King George Hospital, Visakhapatnam 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 more

particularly one in the nature of Writ of Mandamus declaring the action of the respondents is issuing the impugned a G.O.Ms.No.178, HM and FW (A1) Dept, dated 17-10-2023 and consequential posting orders issued to the 4th un-official respondent as Administrator on deputation basis at King George Hospital, Visakhapatnam, vide G.O.Rt.No.775, HM and FW Dept, dated 20-12-2024, though he is not eligible and barred by age for appointment and consequentially this Hon'ble Court may pleased to set aside the impugned G.O.Ms.No.178 dated 17-10-2023 to the extent of providing a channel for appointment as Administrator and also set barred by age for setting aside the consequentially G.O.Rt.No.775, dt.20-12-2024 in respect of 4th un-official respondent only.

IA NO: 1 OF 2025

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 suspend the impugned G.O.Ms.No.178, HM&FW [A1] Dept, dated 17-10-2023 to the extent providing a channel for appointment as Administrator and also suspend G.O.Rt.No.775, dt.20-12-2024 in respect of 4th un-official respondent only pending disposal of the writ petition.

Counsel for the Petitioner: M R TAGORE

Counsel for the Respondents: GP FOR SERVICES I

Counsel for the Respondents: S A RAZAK

The Court made the following order:

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.25468 of 2025

ORDER:

1. The present Writ Petition is filed to declare the impugned G.O.MsNo.178, HM and FW (A1) Department, dated 17.10.2023 and the consequential posting orders issued to Respondent No.4 as Administrator on deputation basis at King George Hospital, Visakhapatnam *vide* G.O.Rt.No.775, HM and FW Department, dated 20.12.2024, as illegal and arbitrary.

2. The Petitioner belongs to B.C-D Category and did M.D., (Hospital Administration). Initially, the Petitioner was selected and appointed as Civil Assistant Surgeon (CAS) by direct recruitment in the year 2005 and was posted at PHC Medikurthy of Chittoor District. In course of time, the Petitioner was promoted as Civil Surgeon Specialist (CSS) Hospital Administration and was posted at Government General Hospital, Kurnool on 03.02.2020. Thereafter, the Petitioner was posted as CSRMO Hospital Administration at King George Hospital, Visakhapatnam *vide* G.O.Rt.No.781, HM and FW Department, dated 21.12.2024, which is an equivalent post to Civil Surgeon Specialist (CSS).

3. While so, the State Government issued G.O.Ms.No.178, HM & FW Department, dated 17.10.2023, whereunder 99 posts were created in 11 existing Government General Hospitals/Government Medical Colleges and Office of DME duly suppressing corresponding 99 posts. Out of the 99 posts, 11 posts of Administrators were created on a regular basis in the Pay Scale of/consolidated pay of Rs.80,910-1,66,680/-. The Director of Medical Education was instructed to ensure and delete the suppressed dose from the cadre strength permanently and take further action accordingly.

4. Consequent thereto, Respondent No.4 was appointed as Administrator of King George Hospital, Visakhapatnam *vide* G.O.Rt.No.775, HM and FW Department, dated 24.12.2024 along with similarly placed persons in other Government Hospitals across the State on deputation. It is stated that Respondent No.4 has no experience in Hospital Administration and prior to his appointment as Administrator, was working as Deputy Collector in the Revenue Department.

5. It is further stated that G.O.Ms.No.178, dated 17.10.2023 having been issued in suppression of 99 posts, the appointment of Respondent No.4 as Administrator, without there being amendment to the statutory rules, cannot be sustained. It was further pleaded that since the Petitioner is appointed as Hospital Administrator, the continuance of Respondent No.4 also as Administrator is unwarranted and is interfering with the duties and responsibilities of the Petitioner.

6. In the Counter-Affidavit filed by Respondent No.1, it is stated that 99 posts were created *vide* impugned G.O., in suppression of 99 existing posts in Medical Colleges/Government General Hospitals on regular basis in a fixed time scale. It is also stated that the post of Administrator is to be filled-up by Special Grade Deputy Collector/Joint Director, Administration or Officers at the level of Assistant Secretary of Central Government/Equivalent, provided the age of the Administrator shall be less than 50 years at the time of selection.

7. It is stated that the Administrator shall be responsible for non-clinical works including sanitation, security, pest control, diet, civil and electrical maintenance of buildings, biomedical equipment maintenance, HR management, logistics and other day-to-day

requirements. It is stated that the Engineering wing and IT wing has to be established in every Medical College/Hospital and all the non-medical staff shall report to the Administrator.

8. It is further stated that considering the establishment of 17 new Medical Colleges and Associated Teaching Hospitals with large-scale infrastructure, it is stated that there is a need to ensure better and enhanced mechanism in place, for maintenance of all the Government Hospitals and Medical Colleges. It is stated that the Government had issued permission to integrated Teaching Hospital and Medical Colleges as a single unit for the purpose of Administration of HR and facility management under the control of the Administrator. As regards the qualification, it is stated that the Petitioner's qualification is related to clinical hospital administration only and is not qualified for non-clinical hospital administration and therefore, the Petitioner cannot have any objection for appointment of Administrator regarding non-clinical aspects of hospital administration.

9. A Counter-Affidavit was filed by Respondent No.4, wherein the stand taken by the State Government was reiterated. Apart from that, it was contended that the posting of the Petitioner as CSRMO (H.A) at

KGH, Visakhapatnam cannot be sustained as there is no such post and only a post of CSRMO is available, which is meant for patient care at medical side only.

10. A Reply-Affidavit was filed by the Petitioner, wherein it is stated that pursuant to Hashim Ali Khan Committee's Report, G.O.Rt.No.593, HM and FW Department, dated 24.06.1976 was issued, wherein the Government had created 5 posts of Civil Surgeon (Administrator) covering in 5 Teaching General Hospitals i.e., Osmania General Hospital Hyderabad, Gandhi General Hospital, Hyderabad, King George Hospital, Visakhapatnam, Government General Hospital, Guntur and Government General Hospital Kurnool. The CSRMO posts are equivalent to Civil Surgeon (Administrator) in the above 5 hospitals. These Civil Surgeon (Administrator)/CSRMO will be in charge of the administration of the hospital exercising all powers irrespective of clinical and non-clinical and all staff below the cadre of CSRMO, have to work under his supervision. It is further stated that pursuant to said G.O., the Director of Medical Education had issued Proceedings, dated 01.05.2002, wherein the duties of the CS Administrator/CSRMO was given in detail.

11. It is further stated that as per A.P. Medical Education Rules framed by G.O.Ms.No.154, HM and FW Department, dated 04.05.2002, the post of CSRMO including Hospital Administrator in Teaching/General Hospitals falls under Category 5 and as per Rule 3, the Method of Appointment is by promotion from the post of Civil Surgeon-Resident Medical Officer or Deputy Civil Surgeon. Unless the Rules are amended, no person can be appointed in the said post and therefore, the appointment of Respondent No.4 cannot be sustained.

12. Heard the learned counsel for Petitioner Sri M.R. Tagore as well as learned Government Pleader for Services-IV appearing for Respondent Nos.1 to 3 and Sri S.A. Razak, learned counsel for Respondent No. 4.

13. The Andhra Pradesh Medical Education Service Rules were framed under proviso to Article 309 of the Constitution of India by G.O.Ms.No.154, HM and FW Department, dated 04.05.2002. The post of Hospital Administrator comes under Category 5 (a) and (b) thereof i.e., Special Grade Civil Surgeon R.M.O and Civil Surgeon-R.M.O and the same reads as under:

*"**Category (5)(a)**: Special Grade Civil Surgeon-R.M.O including **Hospital Administrator** in teaching General Hospital and other Teaching.*

***(b)** Civil Surgeon-R.M.O including **Hospital Administrator** in Teaching General Hospital and other teaching Specialist Hospital."*

14. The Method of Appointment is provided in Rule 3 Annexure-I and these posts are to be filled up by promotion from the Category of Resident Medical Doctor to Category 5(a) and by Deputy Civil Surgeon and in the event of lack of availability, by Civil Assistant Surgeon, possessing minimum service specified in Rule 7. The same reads as under;

A N N E X U R E – I
(See Rule – 3)

	Category and Post	***Qualifications***
	(1)	***(2)***
5	***(a)** Special Grade Civil Surgeon R.M.O. including **Hospital Administrator** in Teaching General Hospital and other Teaching Specialist Hospital*	*By promotion of Civil Surgeon – Resident Medical Officer.*

	(b) *Civil Surgeon – RMO including* ***Hospital Administrator*** *in Reaching General and Hospital and other Teaching Specialist Hospital.*	*(i) By promotion of Cat.8 Deputy Civil Surgeon. Possessing minimum service as stipulated in Rule 7.* *(ii) If qualified Deputy Civil Surgeon is not available by promotion of cat (10) Civil Assistant Surgeon, possessing minimum service as stipulated in rule 7.*

15. While so, G.O.Ms.No.178, HM and FW Department, dated 17.10.2023 was issued whereunder, the Government had accepted the proposal of the Director of Medical Education for creation of 99 posts in 11 existing Government General Hospitals by suppression of 99 existing posts in Government Medical Colleges/Government General Hospitals. The posts under the G.O., created are as under:

<u>Creation of posts:</u>

Sl.No.	***Name of the Cadre***	***No. of posts created***	***Mode of sanction***	***Pay Scale/ Consolidated Pay***
	HOSPITALS			
1.	*Administrator*	*11*	*Regular*	*90910-16680*
2.	*Assistant Director (Engineering)*	*11*	*Regular*	*65360-154980*
3.	*Assistant Executive Engineer (Civil)*	*11*	*Regular*	*57100-147760*
4.	*Assistant Executive Engineer (Electrical)*	*11*	*Regular*	*57100-147760*
5.	*Facility Managers*	*11*	*Contract*	*50000*

6.	*System Administrator*	*11*	*Contract*	*50000*
7.	*Data Analyst*	*11*	*Contract*	*50000*
	PMU – Directorate of Medical Education			
8.	*Additional Director*	*2*	*Regular*	*124380-179000*
9.	*Nodal Officer*	*8*	*Contract*	*70000*
10.	*System Administrator*	*1*	*Contract*	*50000*
11.	*Data Analyst*	*2*	*Contract*	*50000*
12.	*MIS Manager*	*1*	*Contract*	*50000*
13.	*Programme Assistant*	*8*	*Contract*	*30000*
Total :		***99***		

16. Correspondingly, the suppressed posts were also specified as under;

Suppression of Posts:

Sl.No.	***Name of the Cadre***	***No. of Posts suppressed***	***Scale of Pay***
	Hospitals		
1.	*Civil Surgeons*	*11*	*94500-170580*
2.	*Tutors*	*33*	*61960-151370*
3.	*Telephone Operator*	*11*	*25220-80910*
4.	*Junior Assistant*	*11*	*25220-80910*
5.	*Bio Statistician*	*11*	*45830-130580*

	Director of Medical Education		
6.	*Civil Surgeons*	*2*	*94500-170580*
7.	*Tutors*	*8*	*61960-151370*
8.	*U.D. Steno*	*1*	*45830-130580*
9.	*Bio Statistician*	*3*	*45830-130580*
10.	*Steno-Typist*	*8*	*32670-101970*
Total :		***99***	

17. The Method of Appointment of the posts were specified in Paragraph 3 of the G.O., and the post of Administrator for the integrated unit of Government Medical College and Government General Hospital was from the cadre of Special Grade Deputy Collector/Joint Director(admin) or Officers at the level of Assistant Secretary of Central Government/equivalent. In Paragraph 4 of the G.O., it is stated that the Director of Medical Education shall ensure and delete suppressed posts from the cadre permanently and take further action accordingly. The Paragraph 4 reads as under;

> *"4. The Director of Medical Education A.P., Vijayawada shall ensure to delete the suppressed posts from the cadre strength permanently and take further necessary action accordingly."*

18. A closer reading of the G.O., would indicate that posts of "Administrator" were created among other posts in suppression of the 11 existing posts of a Civil Surgeon, which contextually would mean "Hospital Administrator". The usage of the term ***"suppression of posts"*** in the G.O.Ms No.178, HM and FW (A1) Department, dated 17.10.2023, would mean to *not to fill-up those posts or in other words, withholding the filling up of the vacancies*. Further instructions to the Director of Medical education in Paragraph 4 of the G.O., as extracted above, is to take steps to delete these posts permanently.

19. Going by the language used in the G.O., the appointment of the Administrator can only be at places, where the statutory post of "Hospital Administrator" is suppressed, as the G.O. did not contemplate simultaneous appointment of both. In the present case, the Petitioner was appointed as CSRMO (Hospital Administration) *vide* G.O.Rt.No.781, HM and FW Department, dated 21.12.2024 by Respondent No.1, while Respondent No.4 was appointed as "Administrator" *vide* G.O.Rt.No.775, HM and FW Department, dated 20.12.2024 leading to a peculiar situation of two persons i.e., Petitioner and Respondent No.4, virtually in the same post.

20. The contention of the Respondents in trying to bring about a distinction between clinical and non-clinical nature of jobs of the Petitioner and Respondent No.4 is running contrary to the G.O.Ms.No.178, HM and FW Department, dated 17.10.2023 as the posting of Respondent No.4 can only be in suppression of appointment of regular Civil Surgeon (Hospital Administration) and that is not the present case. In the present case, the very appointment of the Petitioner as CSRMO (Hospital Administration) *vide* G.O.Rt.No.781, HM and FW Department, dated 21.12.2024 by Respondent No.1 is a clear indicator that the said post was not suppressed.

21. Further, in Paragraph 4 of G.O.Ms.No.178, HM and FW Department, dated 17.10.2023, the Director of Medical Education was instructed to take steps to permanently delete the suppressed posts, but no steps were taken in that regard as per the pleadings in the Counter-Affidavits filed.

22. The next question that needs to be answered is, whether Respondent No.4 can be appointed to discharge duties of Hospital Administrator even for non-clinical work without there being any amendment in the Rules.

23. The post of "Hospital Administrator" under the Andhra Pradesh Medical Education Service Rules, 2002 as extracted above does not distinguish between clinical and non-clinical duties. It is important to note here that the Rules do distinguish some posts as clinical and non-clinical and this difference in the nature of duties is not new. Going by the Rules, the "Hospital Administrator" is in-charge of all clinical and non-clinical facets of administration. By virtue of the executive order *vide* G.O.Ms.No.178, HM and FW Department, dated 17.10.2023 Respondent No.4 and persons similarly placed were virtually appointed in the posts of “Hospital Administrator: without there being any amendment to the Rules i.e., Qualifications and Method of Appointment.

24. Under the Rules, the post of “Hospital Administrator” was to be filled by promotion only from the feeder category posts as extracted above, but Respondent No.4, working in the Revenue Department, is appointed as ‘Hospital Administrator’ on deputation, though not having qualifications for the post. No doubt, the Government can make appointments, but only after amendments to the Rules.

25. For the aforesaid reasons, the Writ Petition is disposed of, with following directions:

i) The appointment of Respondent No.4 as Administrator is set-aside.

ii) No order as to costs.

As a sequel, pending applications, if any, shall stand closed.

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NYAPATHY VIJAY, J

Date: 30.10.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION No.25468 of 2025

Date: 30.10.2026

IS