

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI



WRIT PETITION NO: 8240 OF 2021

Between:

Smt. D. Rajani,, W/o. R. Sree Venu,,

Petitioner

AND

1. The Commissioner, A.P. Vaidya Vidhana Parishad, Gollapudi, Vijayawada, Krishna District.
2. The State of A.P. rep by its Principal Secretary, HM and FW Department, Secretariat, Velagapudi, Guntur 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 writ or order more particularly one in the nature of writ of MANDAMUS by declaring the action of the respondents in going ahead with the promotions to the post of Nursing Superintendent Grade-II which was sent through mail on 3.4.2021 with the candidates who are most juniors to the petitioner as per the final seniority list published on 22.3.2021 as illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and consequently direct the respondents to strictly follow the Final seniority list dated 22.3.2021 for effecting promotions to the post of Nursing Superintendent Grade-II and consider the case of the petitioner as per her seniority in the ensuing counseling to be held for the panel year 2020-2021 with all consequential service benefits that would arise.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 1st respondent to keep one post of Nursing Superintendent Grade- II vacant or alternatively allow the petitioner in the counseling along with others 53 candidates for promotion to the post of Nursing Superintendent Grade – II or alternative direct the 1st respondent, pending disposal of WP 8240 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Vadapalli Ramesh Advocate for the Petitioner, Ms. Sulthana, Standing Counsel for Respondent No.1 and of GP for Services -II for Respondent No.2, the Court made the following.

ORDER:

Ms. Sulthana, learned counsel, representing the learned standing counsel appearing for the 1st respondent, takes notice and seeks two weeks time to get instructions in the matter. Learned Government Pleader for Services II takes notice on behalf of the 2nd respondent and seeks time to file counter-affidavit.

Case of the petitioner is that, she is working as Head Nurse at Community Health Centre, Chellapalli; initially she was appointed as staff nurse on 27.01.1986 and later got promotion as Head Nurse on 27.03.2012; the next higher category is Nursing Superintendent Grade-II, which is administrative cadre; the 1st respondent initially prepared a provisional seniority list during February, 2021 and further prepared a revised provisional seniority list on 08.03.2021; petitioner submitted her objections to the same on 19.03.2021; considering the same, final seniority list was published on 22.03.2021, wherein, she was placed at Sl.No.40;

further considering her seniority, the ACRs were also sent to the office of the 1st respondent on 24.03.2021 for considering her case for promotion to the next higher category i.e., Nursing Superintendent Grade-II; on 03.04.2021, the 1st respondent sent the selection list of 53 candidates to all the DCHs and directed to submit the priority option of the individuals, if any, by 06.04.2021; in the said list, most of her juniors were considered for promotions ignoring her case; now counselling date is fixed on 10.04.2021 or 12.04.2021 through online. Hence, the writ petition.

Learned standing counsel appearing for the 1st respondent seeks time to get instructions in the matter.

In view of the facts and circumstances of the case, the 1st respondent is directed to keep one post of Nursing Superintendent Grade-II vacant, till further orders.

Post the writ petition after summer vacation of 2021.

//TRUE COPY//

Sd/-E.KameswaraRao
ASSISTANT REGISTRAR

For SECTION OFFICER

To

1. The Commissioner, A.P. Vaidya Vidhana Parishad, Gollapudi, Vijayawada, Krishna District.
2. The Principal Secretary, HM and FW Department, State of A.P Secretariat, Velagapudi, Guntur District (1 & 2 by RPAD)
3. One CC to Sri Vadapalli Ramesh, Advocate [OPUC]
4. Two CC to GP for Services –II, High Court of A.P at Amaravati (OUT)
5. One CC to Ms. Sulthana, Standing Counsel (OPUC)
6. One spare copy

TVR

HIGH COURT

KVLJ

DATED:09/04/2021

ORDER

WP.No.8240 of 2021

POST AFTER SUMMER VACATION 2021

