

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY NINTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SMT. JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 24872 OF 2024

**Between:**

1. K Swapna, D/o.K. Chittibabu, Aged 43 Years, Civil Assistant Surgeon, Public Health Centre, Revidi, Vishakapatnam District.
2. Dr. Rajender Prasad Goriparti, S/o G.S.R.K. Manikyal Rao, Age 51 years. Civil Assistant Surgeon, PHC, Yelamaru, Krishna District, A.P.

**Petitioners**

**AND**

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary to Government, Medical, Health and Family Welfare Department, Secretariat Building, Amaravati, Guntur District, A.P.
2. The Director of Public Health and Family Welfare, State of Andhra Pradesh, Vijayawada, Krishna District, A.P.
3. The Director, , Secondary Health, A.P., Tadepalli, Guntur District.

**Respondents**

Petition under Article 226 of the Constitution of India is filed 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 a writ of Mandamus under Article 226 of the Constitution of India, declaring the Proceedings Rc.No. 3173/E6-D/2024 dated 22.10.2024 issued by the 2 ND respondent as arbitrary, illegal. discriminatory, malafide, void, without jurisdiction and unconstitutional, violating Article 14,16 and 21 of the Constitution of India and contrary to the Rule 38 issued by Andhra Pradesh State AND Sub-ordinate Service Rules and set aside the same and issue

consequential orders directing the respondents to allow the Petitioners to continue under the jurisdiction of the Second Respondent.

**IA NO: 1 OF 2024 :**

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Proceedings Rc.No. 3173/E6-D/2024 dated 22.10.2024 issued by the 2<sup>nd</sup> respondent and all other consequential proceedings in so far as petitioners are concerned, with a direction to continue the petitioners under the jurisdiction of the 2<sup>nd</sup> respondent, Pending disposal of WP 24872 of 2024, 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 P V KRISHNAIAH Advocate for the Petitioners and of GP FOR MEDICAL HEALTH & FAMILY WELFARE for the Respondents, the Court made the following

**ORDER:**

"The case of the petitioners is that initially the first petitioner filed W.P.No.31863 of 2022 seeking suspension of the operation of G.O.Ms.Nos. 197 and 198 Health, Medical and Family Welfare Department dated 29.07.2022 issued by the 2<sup>nd</sup> respondent and other consequential proceedings and consequentially sought for a direction to continue the petitioner under the jurisdiction of the 2<sup>nd</sup> respondent. This Court vide orders dated 28.09.2022 passed an interim order as under:-

"In the meanwhile, the respondents are directed to continue the petitioner under the jurisdiction of the 2<sup>nd</sup> respondent".

Pending said writ petition, respondent No.2 vide impugned proceedings dated 22.10.2024 proceeding further to conduct counseling in respect of candidates working as clinical specialties, which would



have an effect on the petitioners as they would be placed under jurisdiction of respondent No.3 instead of respondent No.2.

In view of the interim order passed in W.P.No.31863 of 2022, the respondents are directed to continue the petitioners under the jurisdiction of respondent No.2, pending writ petition.

Post the matter along with W.P.No.31863 of 2022.

In the meanwhile, respondents are directed to file counter(s)."

Sd/- K. KASIRAO ACHARI  
ASSISTANT REGISTRAR

//TRUE COPY//

For,

SECTION OFFICER

To,

1. The Special Chief Secretary to Government, Medical, Health and Family Welfare Department, State of Andhra Pradesh, Secretariat Building, Amaravati, Guntur District, A.P. [by SPECIAL MESSENGER]
2. The Director of Public Health and Family Welfare, State of Andhra Pradesh, Vijayawada, Krishna District, A.P.
3. The Director, Secondary Health, A.P., Tadepalli, Guntur District (2 & 3 by RPAD)
4. One CC to SRI. P V KRISHNAIAH Advocate [OPUC]
5. Two CCs to GP FOR MEDICAL HEALTH AND FAMILY WELFARE, High Court Of Andhra Pradesh. [OUT]
6. One spare copy

ER

**HIGH COURT**

**VJP, J**

**DATED:29/10/2024**

**POST THE MATTER ALONG WITH W.P.NO.31863 OF 2022**

**ORDER**

**WP.No.24872 of 2024**

**DIRECTION**

