

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU
WRIT PETITION NO: 22694 OF 2020



Between:

S. Krishna Kumari, W/o P.V. Ramana, Aged about 52 years, Occ Nursing Tutor Grade II, Sri Padmavathamma Govt College of Nursing, Tirupathi, (Now working on deputation as Teaching Faculty In college of Nursing, Kurnool)

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary to Government, Health, Medical and Family Welfare Department Secretariat Buildings, Velagapudi, Thullar Mandal, Amaravathi Guntur District
2. The Director of Medical Education, State of Andhra Pradesh, Vijayawada, Krishna District

Respondents

WHEREAS the Petitioner above named through her Advocate SRI K RATHANGA PANI REDDY presented this 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 rule 6 of AP College of Nursing Service Rules as issued vide G.O.Ms.No.101 Health, Medical and Family Welfare(M1) Department dated 4.4.1997 which prescribes the minimum service of 3 years in the category from which such promotion or appointment by transfer is made to the category of Lecturer thereby denying the chance of promotion of Nursing Tutor Grade II and PHN(T) and making the Staff Nurse eligible in preference to the claims of Nurse Tutor Grade II despite they fall under preferential category NO.IV in the event of non availability of qualified Nursing Tutor Grade II and PHN(T) as, unconstitutional being violative of article 14 and 16 of the Constitution of India apart from iniquitous and unjust and set aside the same to the extent of prescribing the minimum service in respect of the category of Nursing Tutor Grade II and consequently direct the respondents to consider the claim of the petitioner for promotion as Lecturer in accordance with the preferences by duly taking into consideration the service as rendered in both the categories of Nursing Tutor/PHN(T) and the Staff Nurse and by placing petitioner above the promoted immediate junior

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri K RATHANGA PANI REDDY Advocate for the Petitioner, and of GP FOR SERVICES-IV for respondents directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Chief Secretary to Government, Health, Medical and Family Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Thullar Mandal, Amaravathi Guntur District
2. The Director of Medical Education, State of Andhra Pradesh, Vijayawada, Krishna District

are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 04.10.2021, on which date the case stands posted for hearing

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 effect the promotions to the cadre of Lecturer in the college of Nursing from the category of Nursing Tutor Grade II duly taking into consideration of the qualifications available as on the date of filling of the vacancies, pending disposal of WP No.22694 of 2020, on the file of the High Court.

The Court made the following:

ORDER:

“Notice before admission.

List on 04.10.2021.

It is represented that G.P. for Services-IV will be appearing in the matter. It is further represented that the G.P. for Services-IV has some personal inconvenience for another two weeks.

In the opinion of this Court, adequate time has already been granted for counter.

This Court is of the opinion that after hearing the submissions of the learned counsel for the petitioner and considering the case reported in *Shakuntala Sharma v. High Court of H.P. at Shimla* and another ((1994) 2 SCC 411) that there should be an interim direction to the respondents to effect the promotion to the cadre of Lecturer in the college of Nursing from the category of Nursing Tutor Grade-II in case of the petitioner. It is also submitted that in the interim period, the petitioner has acquired the three years minimum service. This Court is of the opinion that learned counsel for the petitioner has made out a prima facie case and so the interim direction is issued. The order will be complied with within a period of two weeks from the date of receipt of a copy of this order. Needless to say that any promotion granted will be subject to the result of the final order.

List on 04.10.2021.”

SD/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

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To,

1. The Chief Secretary to Government, Health, Medical and Family Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Thullar Mandal, Amaravathi Guntur District
2. The Director of Medical Education, State of Andhra Pradesh, Vijayawada, Krishna District (Addresses 1 and 2 by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI K RATHANGA PANI REDDY Advocate [OPUC]
4. Two CCs to GP FOR SERVICES IV, High Court of Andhra Pradesh. [OUT]
5. One spare copy

100-9028

HIGH COURT

DVSSJ

DATED:23/08/2021

LIST ON 04.10.2021

NOTICE BEFORE ADMISSION

WP.No.22694 of 2020

INTERIM DIRECTION

