

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE NINETEENTH DAY OF SEPTEMBER TWO THOUSAND AND
TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE PULLA KARTHIK
WRIT PETITION NO: 19999 OF 2024

Between:

Dr. P.V. Shiva, S/o. late P.V. Sharma Aged 60 years, Occ. Professor of Anaesthesia, (Osmania Medical College), Niloufer Hospital, Hyderabad, Telangana.

Petitioner

AND

1. The State of Telangana, Rep. by its Special Chief Secretary to Government Finance (HRM-I) Department, Secretariat Building, Hyderabad.
2. The State of Telangana,, Rep. by its Principal Secretary to Government, Health, Medical and Family Welfare Department, Secretariat Building, Hyderabad.
3. The Director of Medical Education, State of Telangana, Sultan Bazar Koti, Hyderabad, Telangana
4. The Principal, Osmania Medical College Hyderabad, Telangana
5. The Superintendent, Niloufer Hospital, Red Hills, Hyderabad.
6. The State of Telangana, Rep. by its Principal Secretary to Government General Administration (Services) Department Secretariat Building, Hyderabad.
7. Dr. G. Hanumantha Rao, Professor of Anaesthesia MGM Hospital, Warangal.
8. Dr. A. Muralidhar, Professor of Anaesthesia Gandhi Medical College, Secunderabad.
9. Dr. A. Anuradha, Professor of Anaesthesia Osmania Medical College, Hyderabad.

...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 a Writ of Mandamus under Article 226 of the Constitution of India, declaring the G.O.Ms.No.80, Finance (HRM.I) Department, dated 03/07/2024 issued by the 1st Respondent, as arbitrary, illegal, void and without jurisdiction, unconstitutional, violating Articles 14, 16 and 21 of the Constitution of India, apart from violating Rule 38 of the State and Subordinate Service Rules, which was issued under Proviso to Article 309 of the Constitution of India as well as Circular issued by the 3rd Respondent in Rc.No.25811/D1 &D2/2024, dated 17/07/2024 is equally arbitrary, void and without jurisdiction and unconstitutional, violating Articles 14, 16 and 21 of the Constitution of India, as well as consequential G.O.Ms.No.353, Health, Medical and Family Welfare (A) Department, dated 21/07/2024 issued by the 2nd Respondent, insofar as the Petitioner is concerned and set aside the same;

IA NO: 1 OF 2024

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 operation of the GO Ms.No.353, Health, Medical and Family Welfare (A) Department, dated 21/07/2024 issued by the 2nd Respondent, pending disposal of WP 19999 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 the order of the High Court dated 25/07/2024 , 30.07.2024, 14.08.2024,22.08.2024 & 05.09.2024 made herein and upon hearing the arguments of Sri P V Krishnaiah, Advocate for the Petitioner and Additional Advocate General for the Respondents, the Court made the following.

ORDER:

At request of learned Additional Advocate General, post on 26-09-2024.

Interim order granted earlier is extended till then.

//TRUE COPY//

**SD/-P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. One CC to SRI. P V Krishnaiah, Advocate [OPUC]
2. Two CC to Additional Advocate General, High Court at Hyderabad. [OUT]
3. One spare copy

HIGH COURT

PKJ

DATED: 19.09.2024

POST ON 26.09.2024



ORDER

WP.No.19999 of 2024

INTERIM ORDER EXTENDED