

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWENTY THIRD DAY OF SEPTEMBER TWO THOUSAND AND NINETEEN

:PRESENT:
THE HONOURABLE SRI JUSTICE P NAVEEN RAOIA No. 1 OF 2019
IN
WP NO: 20765 OF 2019**Between:**

Dr. Najafi Begum, W/o Syed Murtaza Haider Zaidi, Aged 54 years, Occ . Civil Surgeon RMO, Sarojini Devi Eye Hospital, Mehdiapatnam, Hyderabad. R/o H.No. 22-2-711/2, Hyderabad.

...Petitioner

(Petitioner in WP 20765 OF 2019
on the file of High Court)**AND**

1. Director of Medical Education, State of Telangana, Sultan Bazaar, Hyderabad
2. Superintendent, Sarojini Devi Eye Hospital, Masab Tank, Hyderabad.
3. Director of Public Health and Family Welfare, State of Telangana, Sultan Bazaar, Hyderabad.
4. State of Telangana, rep. by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat Buildings, Hyderabad.

...Respondents

(Respondents in-do-)

Counsel for the Petitioner : Sri P V KRISHNAIAH**Counsel for the Respondents : GP FOR SERVICES I (TG)**

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 suspend the operation of the proceedings in Rc. No. 39430/VC.A/2019 dated.18.09.2019 issued by the 1st Respondent and consequential proceedings in Rc. No.604/F1/2019 dated 19.09.2019 issued by the 2nd Respondent, pending disposal of WP No. 20765 of 2019, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Petitioner is aggrieved by the decision of the Director of Medical Education to surrender the petitioner to the Director Public Health & Family Welfare and consequential proceedings of relieving her.

According to the learned counsel for petitioner, on promotion, Government issued orders in G.O.Rt.No. 356, Health, Medical and Family Welfare (B1) Department dated 20.04.2017, posting the petitioner as Civil Surgeon (RMO) in Sarojini Devi Eye Hospital and consequently, she joined in the said post. She is not on deputation, and the competent authority to effect transfer is Government and not the Director of Medical Education.

***Prima facie*, on reading of the order of the Government, it is clear that on promotion, petitioner is posted to Sarojini Divi Eye Hospital and as can be seen from paragraph-6, the Director of Public Health and Family Welfare, is only directed to take steps to communicate the orders to the concerned authorities to relieve the petitioner. Thus, no discretion is vested in the Directors respectively. Though, learned Assistant Government Pleader sought to contend that petitioner belongs to non-teaching cadre, but she is posted to teaching cadre and,**

therefore, she is validly surrendered to Director of Public Health and Family Welfare, this issue ought to have been placed before the Government, for the Government to consider the same.

Prima facie, the order impugned is not sustainable. There shall be interim suspension as prayed for. However, this order does not come in the way of Government in taking appropriate decision as warranted by law.

SD/- T. NAGESH BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Director of Medical Education, State of Telangana, Sultan Bazaar, Hyderabad
2. Superintendent, Sarojini Devi Eye Hospital, ^{Narab tank} ~~Sultan Bazaar~~, Hyderabad.
3. Director of Public Health and Family Welfare, State of Telangana, Sultan Bazaar, Hyderabad.
4. The Principal Secretary, Health, Medical and Family Welfare Department, State of Telangana, Secretariat Buildings, Hyderabad. (1 to 4 By RPAD)
5. One CC to SRI P V KRISHNAIAH, Advocate [OPUC]
6. Two CCs to GP FOR SERVICES I (TG), High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

PNR,J

DATED:23/09/2019

ORDER

I.A.NO. 1 OF 2019
IN
WP.No.20765 of 2019

INTERIM SUSPENSION

