

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 6653 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 6515 OF 2018]

N. SRINIVAS GOUD

Appellant (s)

VERSUS

THE STATE OF TELANGANA & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is aggrieved since he was not appointed as a Multipurpose Health Assistant (Male), pursuant to a selection conducted in the year 1999. It is seen from the counter affidavit that the appointment could not be done on account of some other pending litigations.

3. When the matter came up to this Court, on 23.03.2018, we directed the second respondent to submit a report as to whether there is any vacancy available in the post of Multipurpose Health Assistant (Male) in the District of Nizamabad.

4. Pursuant to our order, the second respondent has filed a detailed counter affidavit. Paragraphs 12 and 13 of the same read as follows :-

"12. Due to the reasons mentioned at Para (11) above, Contesting Respondent No. 4 (rank No. 13) who got appointment as Multi-Purpose Health Assistant (Male) though he acquired the required qualification from Institute of Public Health and Hygiene, New Delhi is still continuing in service without regularization of service. It is further submitted that the Petitioner herein was appointed on contract basis as Multi Purpose Health Assistant (Male) from 29.05.2003 onwards and he is still continuing. A true copy of appointment letter of the Petitioner on contract basis dated 29.05.2003 issued by District Medical and Health Officer is annexed herein and marked as Annexure R-9.

13. With regard to the vacancy position it is submitted that, on the date of counselling i.e. during 1999, all the notified vacancies of MPHA (Male) of BC-B roaster were filled up with the available candidates. However, at present vacancies of MPHA (Male) are available in Nizamabad district."

5. Ms. Bina Madhavan, learned counsel appearing for the respondents, submits that the notified vacancies have been filled up. But the fact remains that the appellant could not be appointed only on account of some other pending litigations. It is also a fact,

as can be seen from the affidavit, that the appellant has been working on contract basis since 2003 and that there are lots of vacancies available as of now.

6. Having regard to the entire facts and circumstances of the case, as stated in the detailed counter affidavit, we are of the view that it is only in the interest of justice and for doing complete justice that the appellant be adjusted against any one of the vacancies now available and appointed as a Multipurpose Health Assistant (Male). Ordered accordingly. This may be done by the competent authority within a period of two months from today. We make it clear that this Judgment is rendered in the peculiar facts of this case and the same may not be treated as a precedent.

7. In view of the above, the impugned Judgment of the High Court is set aside and the appeal is allowed.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
July 13, 2018.