

**IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

**HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE**

**&**

**HON'BLE MR. JUSTICE M. SATYANARAYANA MURTHY**

**WRIT PETITION (PIL) No.223 of 2021**

*(Through physical mode)*

A.P. Nursing Samkshema Sangam (APNSS)  
Rep., by its President Vemula Ramanjaneya Prasad,  
S/o Nageswara Rao @ Swachanda Prasad,  
Aged 33 years, Occ: Press Reporter,  
R/o D.No.36-12-504, 6<sup>th</sup> line, Vengaih Nagar,  
Guntur, Guntur District, A.P.

..Petitioner

Versus

The State of Andhra Pradesh,  
Rep., by its Principal Secretary,  
Medical and Health Welfare Department,  
Secretariat, Velagapudi, Amaravati, and others.

...Respondents

Counsel for the petitioner : Mr. G. Sri Harsha  
Counsel for respondent Nos.1 to 4 : GP for Services IV &  
GP for Medical & Health  
Counsel for respondent No.5 : Mr. N. Harinath, ASG.

**ORAL ORDER**

**Dt:24.11.2021**

*(per Prashant Kumar Mishra, CJ)*

This writ petition in the nature of public interest litigation is preferred seeking the following relief:

“to issue a writ or order or a direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of Mandamus declaring the notification for recruitment of Mid-Level Health Providers through proceedings in Rc.No1536098/HWC/NHM/2021, dated 21.10.2021 issued by the respondent No.2 as the said

notification is insisting that a person to be appointed to the category of regarding Mid-Level Health Providers shall be one who has studied Certificate Programme for Community Health (CPCH) as integrated certificate programme in the B.Sc.(N) but the said subject was introduced by the Indian Nursing Council (INC) through a circular in F.NO.1-2/NEC/2019-INC, dated 12.02.2019, because the old students who passed prior to 2019 were not considered in the notification as eligible, which is illegal, Void, Unconstitutional and against to the interest of natural justice to the detriment of the interest of poor students of B.Sc.(N) herein, as illegal, Void, Unconstitutional and against to the interest of natural justice and consequently, set aside the same in the interest of justice and further pleased to re-notify the said notification by giving an opportunity to each and every student and to pass such other order or orders as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. During the course of hearing, it is brought to our notice that some of the affected individuals have already preferred writ petitions, which are pending consideration before the learned single Judge.

3. In view of the above, we are of the considered opinion that any decision on merits of this writ petition, which is in the nature of Public Interest Litigation, which is not maintainable in view of the judgment of the Hon'ble Supreme Court in **Dr. Duryodhan Sahu and others v.**

**Jitendra Kumar Mishra and others** reported in **1998(7) SCC 273**, would defeat the cause in the individual writ petitions, which are pending consideration before the learned single Judge.

4. At this stage, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition.

5. Permission is accorded and the Writ Petition (PIL) is dismissed as withdrawn. We observe that withdrawal of this petition shall not come in the way of pursuing the writ petitions pending before the learned single Judge and that anything contained herein shall not be construed to be any opinion on merits of the case. No costs. All pending miscellaneous applications shall stand dismissed.

**PRASHANT KUMAR MISHRA, CJ**

**M. SATYANARAYANA MURTHY, J**

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