

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FIFTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.42745 of 2015

Between:

K. Yadagiri, S/o.Anjaiah,
Aged about 30 years,
Occ: Unemployee,
R/o. H.No.2-92,
Indrakaran Village,
Sanga Reddy Mandal,
Medak District – 502 329.

.. Petitioner

AND

The Chairman & Managing Director,
Singareni Collieries Company Limited,
Kothagudem Coilleries – 507 101,
Khammam District,
Telangana State & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42745 of 2015

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ORDER:

The respondent company issued Employment Notification No.2 of 2015 on 28.03.2015 to fill up various categories of posts including the post of Turner/Machinist category-I, which is at Serial No.4 in the notification. The total number of vacancies notified are 49, out of which 40 posts are reserved for local candidates and 9 posts are made open to all irrespective of the local status. Insofar as reservation in favour of local candidates are concerned, Adilabad, Karimnagar, Medak and Khammam are treated as coming within the local category and all other districts of State of Telangana come within the open competition category. In the selections conducted by the respondent company, the petitioner is one of the candidates, who participated in the selection. The petitioner belongs to Medak District and, therefore, he is not a local candidate. His participation is against unreserved vacancies of 9. In the selections conducted by the respondent company, the petitioner secured 65.55 marks. According to the petitioner, he is No.4 in the over all Merit List of non-locals and since there were 9 vacancies notified to be filled up by non-locals, the petitioner, being the 4th meritorious candidate, could have been appointed as one of the 9 open vacancies notified and not appointing the petitioner is illegal.

2. On perusal of the Merit List filed at Page No.27 as document P-5, it is seen that the Merit List is drawn for the 49 vacancies notified. The petitioner is not clear as to whether a person, who secured less merit than the petitioner and who is not a local candidate, is selected against the vacancy earmarked for open to all categories.

3. In terms of the provisions of the presidential order, 60% are reserved for local category and the rest is open competition to all persons belonging to the State of Telangana irrespective of their local status. A local candidate is entitled to compete against the vacancies which are kept open to be competed by all persons belonging to the State of Telangana. It is not a reservation provided in favour of non-locals and it does not exclude consideration of local candidates, if they secure merit in the selections. Apparently, no person who secured less merit than the petitioner is appointed against the open to all vacancies. Thus, merely because the petitioner is shown as 4th meritorious candidate belonging to the non-local category, the petitioner cannot seek for a direction for appointment against one of the open to all category vacancies irrespective of over all merit. Further more, as seen from the document P-5, though the Merit List is drawn for all the 49 vacancies, none of the selected candidates is arrayed as respondent. Even assuming that the claim of the petitioner is valid, no relief as sought for can be granted in the absence of selected candidate being arrayed as a respondent. Thus, there is no merit in the writ petition.

4. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 31st December, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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