

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE SMT. JUSTICE ANIS

-

WRIT PETITION No.33108 of 2015

ORDER: *(Per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The petitioner herein instituted O.A.No.764 of 2013 before the Andhra Pradesh Administrative Tribunal, aggrieved by his non-selection and simultaneously selection of the fourth respondent as Village Revenue Assistant of Changiskhanpet Village of Edlapadu Mandal, Guntur District.

We really sympathize with the petitioner. He appeared for the selections and said to have secured 2nd rank whereas the fourth respondent secured the next rank, namely the 3rd rank. Ignoring the claims of the petitioner herein the fourth respondent has been appointed only on the ground that the writ petitioner is not a native of Changiskhanpet Village in Edlapadu Mandal, Guntur District, whereas, respondent no.4 was. The claim of the petitioner that he is a resident of Changiskhanpet is rested upon the community-cum-nativity certificate produced by him from the Tahsildar's office, Edlapadu at Guntur District. It was alleged that the Tahsildar, Edlapadu, Guntur District without properly verifying the credentials, has issued the certificate as the grandmother of the writ petitioner is a resident of Changiskhanpet Village. Rule required the candidate to produce place of birth, evidenced by birth certificate, place of ordinary residence of parents, evidenced by Ration Card, Voter ID or any other proof of residence and then place of study for a period of not less than four consecutive academic years before the qualifying examination. The catch is here. Instead of producing the ordinary residence certificate of his parents, the petitioner produced the nativity certificate of his own. When enquiries were conducted, it revealed that his parents are normally residents of Prakasam District and hence, the case of the petitioner was ignored for appointment as he was not a native of the village, which is one of the essential requirements for recruitment. There was no challenge made to such a requirement. Consequently, the Tribunal has dismissed the O.A.

Heard Sri Gopala Rao Gandrakota, learned counsel for the petitioner. Learned counsel tried to explain away the conduct of the writ petitioner. But however, when we have perused the certificate furnished by the Tahsildar from Prakasam District, it emerges that steps are taken for deletion of the name from the voters list and ration card now. This statement presupposes the inclusion of the names already in the voters list and ration card. That itself signifies the connections of the writ petitioner with Prakasam District are far more rooted firmly than in Edlapadu Village in Guntur District.

Hence, we do not find any infirmity of exercise of jurisdiction carried out by the Andhra Pradesh Administrative Tribunal and consequently, the writ petition fails and it is accordingly dismissed.

Consequently, miscellaneous applications pending if any, shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

12.10.2015
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