

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

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WRIT PETITION No. 3894 of 2006

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ORDER: (per Hon'ble Sri Justice G. Chandraiah)

This writ petition is filed aggrieved by the orders dated 07.02.2006 in O.A.No.5222 of 2005, with M.A.No.247 of 2006, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. The petitioner herein is the applicant in the said O.A.

2. Brief facts of the case are as follows:

The respondent authorities have issued a notification, dated 17.03.2005, for filling up the post of Dark Room Assistant under Scheduled Caste Backlog vacancy. As per the notification, an aspirant for the post has to enclose marks memo of the qualifying examination i.e. CRA, along with his application, and the selection process would be as per G.O.Ms.No.214, GAD, dated 08.05.2001. The applicant has not enclosed marks memo along with his application. The applicant is stated to have undergone the relevant training programme during 04.04.1985 to 03.04.1986 and the course certificate was issued on 03.01.1987. The applicant approached the 4th respondent on 27.05.2005 requesting him to issue marks memo, but the 4th respondent did not issue

marks memo stating that relevant records were not available. The applicant's case is that he cannot be made to suffer for the fault of the 4th respondent in not issuing the marks memo. It is his further case that as the vacancy has arisen prior to 2001, the G.O.Ms.No.214, GAD, dated 08.05.2001, which is issued in the year 2001, cannot be taken into consideration for filling up the vacancy. The respondents filed counter. On contest, the Tribunal dismissed the O.A. by the impugned order, questioning which the present writ petition is filed.

3. Heard learned counsel for the petitioner and the learned G.P. for Services.

4. A perusal of the order passed by the Tribunal would show that the applicant has submitted his application for the post of Dark Room Assistant pursuant to the notification dated 17.03.2005, but he did not enclose the marks memo as stated in the notification. The applicant made a representation to the 4th respondent on 27.05.2005 requesting to issue marks memo, but the 4th respondent could not issue marks memo due to non-availability of records. The Tribunal observed that the respondents, in their counter, have stated that in the course Certificate produced by the applicant with regard to his completion of Radiology Assistant course, the authorities concerned have not awarded marks to the applicant. And, as per the notification, the post of Dark Room Assistant can be filled up with candidates having the qualification of DRA Certificate Course. Candidates having CRA Certificate can

also be appointed for the post of Dark Room Assistant basing on the merit in the qualifying examination i.e., DRA and CRA. The Tribunal further observed that the respondents have stated in their counter that the interview on 22.06.2004 was postponed due to administrative reasons and a fresh notification was issued later i.e., on 17.03.2005, against which the applicant submitted his application; and in the said notification dated 17.03.2005, it was stated that selection for the post of Dark Room Assistant will be made as per G.O.Ms.No.214, GAD dated 08.05.2001, and that if an individual does not enclose marks memo of the qualifying examination i.e. CRA, along with this application, his application will not be considered, and hence, as the applicant has not enclosed the marks memo, his candidature was not considered for selection.

5. The Tribunal, after considering all the factual aspects, observed that the applicant having undergone training during 1985-86 and having obtained Course Completion Certificate in January, 1987, apparently, did not choose to obtain the marks memo at any point of time earlier. Further, the applicant made a representation to the Superintendent, Government General Hospital, Kurnool, only on 27.05.2005, i.e. after a lapse of about 19 years after completion of course, requesting to issue marks memo, but however, the same could not be issued as relevant records were not available. When it is the specific requirement as per the notification that marks memo of the qualifying examination has to be enclosed along with the

application, and when the applicant has not enclosed the marks memo, he cannot find fault with the respondent authorities for not considering his candidature, or blame the 4th respondent for not issuing the marks memo after a long lapse of 19 years due to non-availability of records. Hence, we do not see any illegality in the order of the Tribunal.

5. The writ petition is, accordingly, dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

U. DURGA PRASAD RAO, J

16th November, 2015
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