

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

* * *

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No. 40857 of 2015

BETWEEN

Ponduri Pavani

... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 16.12.2015

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ORDER:-

Heard.

2. Petitioner seeks declaration of his status and that is the only relief sought for in the writ petition. It is, however, evident from the averments of the petitioner in paragraph 7 of the affidavit of the cause of action, which is as follows:

"7. I respectfully submit that since the respondent No.3 has issued a recruitment Notification No.1, dated 24.09.2015 inviting applications for the post of Veterinary Assistants by way of direct recruitment, I made an application on 08.10.2015 requesting to consider my candidature to the said post. The respondent No.3 has rejected my application furnishing a reason that I belong to Telangana State, as per Six Point Formula, as I have studied 4th to 8th classes at Karimnagar District, Telangana State. I belong to Telangana State only and not eligible for consideration either for local or for non-local. Since the respondent No.4 has raised a cloud over my

nativity, it is impleaded as a formal party to the writ petition, though I am not seeking any relief against it in the present writ petition.”

3. Though the petitioner states that he is not seeking any relief against the fourth respondent, it is claimed in paragraph 8, as follows:

“...Because of pedantic approach of the respondent No.4 I am being deprived of all the benefits of a local candidate. If the same interpretation is applied to me, henceforth, I loose the benefit of the local candidate, I am constrained to approach this Hon’ble Court through this writ petition for redressal of my grievance under Article 226 of the Constitution of India.”

4. In my view, whether the petitioner belongs to local area of the Telangana State or the Andhra Pradesh State is a matter, which would fall for consideration, if the petitioner questions the rejection of his candidature in pursuance of recruitment notification issued by the third respondent. That issue squarely falls within the jurisdiction of the A.P. Administrative Tribunal under Section 15 of the Administrative Tribunals Act. Hence, the present writ petition filed before this Court bypassing the Tribunal, in my view, is not maintainable.

Writ petition is therefore dismissed with the liberty to the petitioner to avail the remedy before the A.P. Administrative Tribunal, if he so desires. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 16 2015

Note: -

Furnish copy in two days.

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