

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 4882 OF 2015

ORDER:

The petitioner herein sought for a writ of mandamus to declare the action of the 4th respondent Project Officer, Sarwa Siksha Abhiyan, West Godavari at Eluru in appointing the 6th respondent as Cluster Resource Person (CRP) at Akividu in West Godavari District, through proceedings, dated 09.02.2015, as illegal, as it is contrary to the guidelines furnished by the State Project Director of Rajeev Vidya Mission on 07.08.2012.

The case of the petitioner is that he has applied for consideration of his candidature for Akividu Cluster, whereas the 6th respondent has applied for I. Bhimavaram Cluster, which is a different cluster from Akividu, but yet, by a gross error of judgment, the candidature of the 6th respondent has been taken up for appointment as a Cluster Resource Person (CRP), Akividu.

According to the learned counsel for the petitioner Sri B. Chandrasekhar, this error of judgment has been induced by the 6th respondent by making a statement that he is a resident of Akividu in West Godavari District, based upon a civil supplies ration card obtained by him from the Civil Supplies Department, but for this error induced by the 6th respondent, his case could not have been considered for appointment as a Cluster Resource Person and it is the petitioner, who would have been selected and appointed as such. Hence, this Writ Petition.

When the petitioner has taken up the issue with the Project Director, Rajiv Vidya Mission, West Godavari, Eluru, the said Officer has called for a local enquiry to be conducted and a report to be submitted. At page 40 of the Writ Petition paper book, the report said to have been submitted by the Mandal Revenue Officer on 11.02.2013 has been placed. For the present, I am not seriously considering as to

whether the copy of this report has been secured by the petitioner under the Right to Information Act or by clandestine measures, but however, I proceed on the basis that this report is a valid one.

It is relevant to notice from this report dated 11.02.2013 that Akividu Cluster is, in fact, reserved for physically challenged category candidates, of them it is intended for the visually challenged candidate and again, it was meant for a woman candidate. When once no woman candidate with visual challenge has submitted her application for appointment as a Cluster Resource Person, the roster point has been de-reserved and thrown open. Consequently, the candidature of 18 candidates has been considered. Of them, 15 are qualified candidates and all the 15 candidates have been issued the hall tickets for attending an oral interview test. Only nine candidates have responded and six have remained absent for interview. Amongst the nine candidates, the 6th respondent herein has secured not only the maximum marks at his graduation (B.A.) and B.Ed. degrees, but he has also secured nine marks at the interview. Thus, the total percentage of marks, which the 6th respondent, got worked out to 61.687. He was placed at No. 1 in the merit list drawn. Hence, he came to be appointed. Whereas it is an admitted position that the writ petitioner has not secured 61.687, but secured only 51.2. Therefore, because of his inferior merit ranking in comparison to the ranking of the 6th respondent, the petitioner has not been chosen and the 6th respondent came to be appointed.

Sri Chandra Sekhar has concentrated a great deal on the misleading statement contained in the application of the 6th respondent with regard to a bank pass book furnished by him, in which his local address has been disclosed as Akividu. According to the learned counsel, any person can declare any address to a banker for the purpose of opening a bank account and seldom, the banker would scrutinize it carefully. Therefore, but for this error induced by the 6th

respondent, the candidature of the 6th respondent would never have been considered for Akividu Cluster. On that ground alone, the appointment of the 6th respondent deserves to be set aside, is the plea urged.

When once the Cluster Resource Person post for Akividu is reserved in favour of visually challenged women category candidate and when once no such candidate has applied for the said post and when once the post is de-reserved and thrown open, all other candidates, including the 6th respondent, become eligible and entitled to be considered. This is a case where the petitioner as well as the 6th respondent both were considered. It is the 6th respondent, who has secured the maximum marks amongst those, who have attended the interview. By virtue of the superior merit ranking, he has been selected and appointed. There is no infirmity, much less any infringement of rights guaranteed to the petitioner in the process. Hence, the petitioner lacks the necessary locus to challenge the validity of the appointment of the 6th respondent. For this reason, the Writ Petition is devoid of any merit and it is accordingly, dismissed at the admission stage, but however, without costs, after hearing Sri G. Bhaskar, learned Standing Counsel, who accepts notice on behalf of Respondents 2, 3 and 4.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

02nd March 2015

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