

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT APPEAL No.930 of 2016

27.09.2016

Between:

Kolan Srinivas

..Appellant

And

The Union of India,
represented by its Secretary,
Ministry of Finance, Department of Financial Service,
New Delhi and others

..Respondents

Counsel for the appellant: Mr.Kolan Srinivas, party-in-person

Counsel for respondent Nos.2 and 3: Mr.B.Raj Kumar,
standing counsel for L.I.C.

Counsel for respondent No.1: --

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ appeal arises out of the order, dated 10.08.2016, in W.P.No.15973 of 2015.

2. We have heard the appellant, who appeared in person.

3. The appellant, who is an L.I.C. agent in the City Branch - 12, Secunderabad, applied for the post of Apprentice Development Officer (A.D.O.) in pursuance of the notification No.CO/Mktg/DO-1 (ADO-2009-10), dated 04.03.2010. He appeared for the written test held on 13.06.2010 and secured 21 marks in paper – I and 19 marks in paper – II. Feeling aggrieved by his non-selection, he filed W.P.No.15973 of 2015. On behalf of respondent No.2, a counter-affidavit was filed, wherein, it was, *inter alia*, pleaded that the post of A.D.O. is a division level post and that as the appellant applied for the post in Hyderabad division, in order to qualify for consideration, he has to secure the cut off marks of 75 fixed for O.B.C. as against which he has secured only 40 marks and that therefore, he was not called for interview. Having accepted the said explanation, the learned Single Judge has dismissed the writ petition, by the order under appeal.

4. At the hearing, the appellant has not seriously disputed the stand of respondent No.2 that the post of A.D.O. is a division level post. He has, however, submitted that fixing different cut off marks for different divisions violates Article 16(2) of the constitution of India.

5. We do not find any merit in the above submission. If the post is a division level post, it is permissible for the employer to fix different cut off marks for each division. Hyderabad, being a very important division, the

competition is expected to be very high. Therefore, based on such competition, if higher cut off marks are prescribed, the same cannot be considered as arbitrary or discriminatory. So long as respondent No.2 has treated all the candidates within the division uniformly, it cannot be accused of indulging in discrimination.

6. In the above view of the matter, we do not find any reason to interfere with the order of the learned Single Judge.

7. The Writ Appeal is, accordingly, dismissed.

8. As a sequel to dismissal of the writ appeal, W.A.M.P.Nos.2150 and 2151 of 2016 filed by the appellant for interim reliefs shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

27th September, 2016
GHN